

**COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES**

Sheet #8

<b>PERMITTED USES</b>	<b>ZONE CATEGORIES</b>								
	CD	PBD	PE	PC	PT	PI	RL	F	VC
*Platform tennis, indoor and outdoor Riding Stable					Sp				
Skating rink, ice and/or roller, indoor		Sp	Sp	Sp	Sp	Sp			
Tennis courts, indoor		Sp	Sp	Sp	Sp	Sp			
<b>TRANSPORTATION, COMMUNICATION AND UTILITY USES</b>									
Airport Landing Field								Sp	
<b>AUTOMOBILE PARKING</b>									
Garage, parking (18)		Acc	Acc	Acc	Acc	Acc			
Parking lot									
Private area (35)		Acc	Acc	Acc	Acc	Acc	Acc	Acc	
Public (36)		Sp			Sp				
<b>COMMUNICATIONS</b>									
Radio, television, telegraph, telephone or other communications									
Broadcasting studio, message center or office		Sp	Sp	Sp	Sp	Sp			Sp
Transmitting exchange or receiving station		Sp	Sp	Sp	Sp	Sp			
Towers, transmitting and relay									
<b>MOTOR VEHICLE TRANSPORTATION</b>									
Bus transportation									
Garaging and equipment maintenance				Sp		Sp			
Passenger terminal		Sp			Sp				
Motor freight transportation terminal and garage			Sp			Sp			
Transportation center		Sp			Sp				
<b>UTILITIES</b>									
Sewage and solid waste disposal							Sp	Sp	Sp
Utility- Electric, Gas and Water		Sp	Sp	Sp	Sp	Sp	Sp	Sp	Sp

PRMT – Permitted Use or Use Category

Acc – accessory use or use/category

Sp – special permit use/category

Sx – special exception use/category

## SECTION 6 SPECIAL REGULATIONS FOR PERMITTED USES

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### 6.0 General Provisions And Existing Uses

Every use listed in this section shall comply with the regulations of the zone in which it is or is to be located and, in addition, with the conditions and requirements specified herein for such use.

- 6.1 Alcoholic liquors, sale of
- 6.2 Earth products, excavation, filling or removal of (Special Regulations)
- 6.3 Motor vehicle car wash
- 6.4 Motor vehicle limited and general repair
- 6.5 Motor vehicle gasoline or service station
- 6.6 Retail trade – eating or drinking without drive-in or curbside service
- 6.7 Open space subdivision
- 6.8 Rear lots
- 6.9 Supervised group quarters
- 6.10 Trailers (Special Regulations)
- 6.11 Parental Dwelling Unit, Single Family Dwelling (EFFECTIVE 10-14-83)

## SECTION 6 SPECIAL REGULATIONS FOR PERMITTED USES

The sale of alcoholic liquors is a permitted use in the Central District CD Zone and shall not be controlled by the provisions of this Section within said zone. The sale of alcoholic liquors is also a permitted special permit use in the Planned Business and Development PBD Zone and the Planned Travel PT Zone, and a permitted accessory use to a club in the Country Residence CR Zone and Rural Residence RR Zone, and a permitted accessory use to a full-sized golf course of nine (9) holes or larger in the Country Residence CR, Rural Residence RR, Residence AAA, AA, A, Reserved Land RL, and Flood F Zones, subject to the requirements of those zones, the requirements of Section 12 of these Regulations, and any other review and approval which the particular uses may require by these Regulations, and in addition, the following conditions:

### 6.1 Alcoholic Liquors, Sale Of

- a. In the Planned Business and Development PBD Zone and the Planned Travel PT Zone, no building or premises shall be used and no building shall be erected or altered which is used or is arranged, intended or designed to be used as a place where alcoholic liquors are or are to be sold for consumption on the premises if that portion of said building or premises actually used or arranged, intended or designed to be used for the sale and/or consumption of alcoholic liquor is located.
  1. Within one thousand (1,000) feet, measured by a straight line as established by the Town Plan and Zoning Commission, Zoning Board of Appeals or Building Official, whichever the case may be, from that portion of any other building or premises constituting a use of the same use category wherein the sale and/or consumption of alcoholic liquor on the premises is carried on;
  2. Within five hundred (500) feet, measured by a straight line as established by the Town Plan and Zoning Commission, zoning Board of Appeals or Building or Building Official, whichever the case may be, from any part of any building or premises used for a college, place of worship, hospital, library, park or playground;
  3. Within five hundred (500) feet, measured along the street line or lines, from any zone boundary line of any residential zone (CR, RR, AAA, AA, A).

The foregoing distance limitations set forth in this subsection 6.1a may be decreased by the Town Plan and Zoning Commission in the case of a permitted hotel, motel or full-service restaurant where alcoholic liquors are sold for consumption on the premises under a hotel permit or a restaurant permit (as defined in the State Liquor Control Act) in the Planned Business and Development PBD Zone and in the Planned Travel PT Zone, provided that said Commission, after a public hearing and having taken into consideration the provisions of Section 12 of these Regulations and the proximity of said hotel, motel or restaurant to other buildings or premises used for the sale of alcoholic liquors for consumption on the premises or as a college, school, place of worship, hospital, library, park or playground, and to the zone boundary line of any residential zone, shall find that such sale of alcoholic liquors.

- a.) Shall be subordinate and incidental to the principal use of the premises as a restaurant where the patrons are primarily persons seated at tables where hot meals are served or as a hotel or as a motel;
- b.) Shall not conflict with the general purpose of these Regulations as it relates to the area;

c.) Shall not adversely affect the health, safety or morals of persons attending any nearby college, school, place of worship, hospital, library, park or playground or residing in any nearby residential zone; and

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d.) Shall not hinder the appropriate development and use of adjacent land and buildings or cause traffic hazards.

b. In the Planned Business and Development PBD zone and the Planned Travel PT Zone, no building or premises shall be used and no building shall be erected or altered which is used or is arranged, intended or designated to be used as a place where alcoholic liquors are or are to be sold for consumption off the premises if that portion of said building or premises actually used or arranged, intended, designed to be used for the sale of alcoholic liquors is located.

1. Within one thousand (1,000) feet, measured by a straight line as established by the Town Plan and Zoning Commission, Zoning Board of Appeals or Building Official, whichever the case may be, from that portion of any other such building or premises used for the sale of alcoholic liquors for consumption off the premises;

2. Within five hundred (500) feet, measured by a straight line as established by the Town Plan and Zoning Board of Appeals or Building Official, whichever the case may be, from any part of any building or premises used for a college, school, place of worship, hospital, library, park or playground.

3. Within five hundred (500) feet, measured along street lines, from any zone boundary line of any residential zone (CR, RR, AA, AA or A).

The sale of ale, beer and lager when a part of and incidental to a bona fide grocery store for consumption off the premises under a grocery store beer permit (as defined in the State Liquor Control Act) is a permitted accessory use in the Planned Business and Development PBD Zone and Planned Travel PT Zone and shall not be subject to the foregoing distance limitations set forth in this subsection 6.1.b.

c. The foregoing distance limitations set forth in this Section 6.1 shall not be deemed to be retroactive, except that any location actually being used for the sale of alcoholic liquors on (the effective date of these Regulations), whether or not conforming to the provisions of these Regulations, and at which location the selling of alcoholic liquors is discontinued for a period of six (6) consecutive months, shall not be permitted to be used again for the sale of alcoholic liquors except in conformity with the provisions of this Section 6.1.

## 6.2 Excavation And Filling Or Removal Of Earth Products

6.2.0 The excavation and filling or removal of earth products is a permitted special permit use in all zones, subject to the requirements of the specific zone or zones in which the excavation operations is located, the provisions of Section 12 of these Regulations, and any other review and approval which may be required by these Regulations, and any other review and approval which may be required by these Regulations, and in addition, the conditions, standards and requirements set forth in this Section 6.2.

### 6.2.1 Authorization For Special Permit For Excavation And Filling Or Removal Of Earth Products

Pursuant to Section 7-148 of the Connecticut General Statutes, Revision of 1958 as amended, the Town Plan and Zoning Commission is authorized to grant a special permit for the excavation and filling or removal of earth products in the Town of Glastonbury, and the Town Building Official is authorized to enforce these Regulations and any conditions connected with any such special permit.

### 6.2.2 Purpose

The purpose of these Regulations is to:

- a. Regulate the conditions and operations of excavating, grading, filling and removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss and any other earth products;
- b. Prevent conditions detrimental to the public health, safety and general welfare, including but not limited to, erosion, creation of dangerous open pits, stagnant water bodies, nuisances, or permanent damage to the landscape;
- c. Conserve and preserve wetlands, watercourses and water storage areas, the value of adjoining and surrounding properties, and the land itself for future useful purposes;
- d. Assure continuity of operation at a given location until a deposit is fully utilized in conformance with these Regulations;
- e. Minimize or eliminate any deleterious effects on adjacent or nearby land uses and prevent the emergency of any blighting influences.

### 6.2.3 Definition

For the purpose of these Regulations:

- a. **EXCAVATION OPERATIONS.** The phrase "excavation operations" shall include (i). Any operations involving excavating, grading, filling or removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and any other earth products in the Town of Glastonbury, and (ii). The transportation on land or roads, public or private, in the Town of Glastonbury of any such products from the site of such an operation, if said site is (A) located within the Town of Glastonbury or (B) located in a town contiguous or adjacent to Glastonbury, and has as its sole means of direct ingress and egress private land or roads in the Town of Glastonbury.
- b. **WATERCOURSES.** "Watercourses" shall mean rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are

contained within, flow through or border upon the Town of Glastonbury, or any portion thereof, not regulated pursuant to Section 22-7h to 22-7o, inclusive, of the 1969 supplement to the General Statutes, as amended.

- c. **WETLANDS.** "Wetlands" shall mean land, including submerged land, not regulated pursuant to Sections 22-7h to 22-7o, inclusive, of the 1969 supplement to the General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture.

#### 6.2.4 Requirements For Special Permit For Excavation Operations

Excavation operations shall begin or continue only after the owner of the premises has received a special permit in accordance with the provisions of these Regulations, except in the case of the following operations:

- a. Excavation operations within the actual rights-of-way of public streets or highways of either the Town of Glastonbury or the State of Connecticut or within the streets or roads as shown on a subdivision map or a plan of development map approved by the Town Plan and Zoning Commission.
- b. Excavation operations within a premise as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Town Building Official.
- c. Excavation operations completely within a premises as a result of bona-fide landscaping, agricultural, or construction operation for which operation no building permit is required from the Town of Glastonbury, as directed and approved by the Town Building Official, provided that no such excavation operation shall result in removal or filling in of more than six hundred (600) cubic yards of earth products for each individual premises.
- d. Excavation operations conducted in accordance with and pursuant to a special permit granted by the Town Plan and Zoning Commission prior to (the effective date of these regulations).

The owner of any premises or rights-of-way falling within the provisions of Sections 6.2.4 a, b, c and d above, from or into which any earth products have been removed or filled, shall, within thirty (30) days after the completion of such operations or any substantial portion thereof, grade and cover any exposed areas where removal or filling takes place with not less than four (4) inches of topsoil or loam removed from such premises or rights-of-way and seed with a suitable cover crop or cultivation acceptable to the Town Building Official. Any such seeding shall be sowed at a rate not less than three (3) pounds of seed for every one thousand (1000) square feet of area covered. This requirement may be held in abeyance during the months of November, December, January and February.

Notwithstanding Sections 6.2.4a, 6.2.4b, and 6.2.4c above, a special permit in accordance with the provisions of these Regulations shall be required for any excavation operations (except those described in Section 6.2.4d above) within one hundred (100) feet of the high water level (line) of any watercourses or wetlands. **HOWEVER, EXCAVATION OPERATIONS CONDUCTED IN ACCORDANCE WITH SECTIONS 6.2.4A, 6.2.4B AND 6.2.4C AND WHICH HAVE RECEIVED A WETLANDS PERMIT, SHALL NOT REQUIRE A SECTION 6.2 SPECIAL PERMIT.** In addition, excavation operations as such phrase is used in Sections 6.2.4a, 6.2.4b, 6.2.4c above shall not include the operation of disposing of said earth products after removal or the operation of obtaining said earth products prior to filling in. Said disposition and/or obtaining shall require a special permit in accordance with the provisions of these Regulations. EFFECTIVE JANUARY 29, 1996.

#### 6.2.5 Permitted Stipulations With Special Permit For Excavation

The Town Plan and Zoning Commission may, after applying these Regulations in harmony with their purposes, stipulate such restrictions as appear to the Commission to be reasonable to protect the rights of individuals, property

values in the area as a whole, and the public health, safety and welfare and which promote sound land use and resource excavation practices.

#### 6.2.6 Criteria For Evaluating A Special Permit For Excavation.

The Town Plan and Zoning commission shall evaluate each and every application for a special permit for excavation operations and shall consider the provisions of this Section 6.2 in light of the following criteria (at a minimum):

- a. **APPROPRIATENESS OF LOCATION.** The compatibility of the proposed excavation operations with the adopted Town Plan of Development, the specific zone and neighborhood, including but not limited to property values, noise levels, traffic, odor, dust, general appearance and surrounding development, both existing and proposed.
- b. **CONFORMANCE.** Conformance with the Glastonbury Building-Zone Regulations, other applicable Town Codes or ordinances and the purposes of these Regulations as set forth in Section 6.2.2.
- c. **SAFETY.** Accessibility for emergency vehicles and equipment; potential for increased fire or traffic hazards; potential for damage to Town roads, bridges or other public facilities.
- d. **HISTORIC AND SCENIC.** Potential for destroying or defacing historic areas or scenic landmarks or otherwise being detrimental to a neighborhood or altering a neighborhood's essential characteristics.
- e. **TRAFFIC.** Impact of anticipated additional vehicle traffic generated by the excavation operation on local access, town and state roads. This impact will be evaluated in conjunction with the impact of truck traffic generated by all of the excavation operations at the time of application for the permit.

#### 6.2.7 Required Standards For A Special Permit For Excavation Operations

Prior to approving any application for a special permit for excavation operations, the Town Plan and Zoning Commission shall consider each such operation in terms of the criteria set forth in the preceding Section 6.2.6 and shall determine whether such operations conform to the following standards. Failure of the operations to properly satisfy the criteria set forth in Section 6.2.6 or to conform to any of the following standards shall be sufficient reason for the commission to deny or withhold the special permit.

The following standards are minimum requirements for excavation operations and the Town Plan and Zoning Commission may require additional or more strict provisions for particular excavation operations based on the criteria set forth in Section 6.2.6.

- a. **Site Standards**
  1. **SITE SIZE.** There shall be no minimum or maximum site size for permitted excavation operations, except that the Commission may fix a maximum and/or minimum site based on the criteria 6.2.7 herein, the extent of the excavation operation is completed. Prior to the issuance of any special permit for excavation operations, boundaries of the site shall be clearly surveyed and marked with permanent monuments by a Connecticut Registered Land Surveyor. **AMENDED EFFECTIVE APRIL 23, 1974.**
  2. **MINIMUM SETBACKS.** All excavation operations shall be located at least fifty (50) feet from any property line, public street, road or highway right-of-way, except as may otherwise be permitted by the Commission.
  3. **ACCESS ROADS.** All vehicular access to any excavation operations shall be arranged and aligned to minimize danger to traffic and nuisance to surrounding properties and the general neighborhood. All access roads shall be a minimum of 100' in length and finished with a properly

bound material so as to provide a durable and anti-tracking surface to the public street from the work area.

4. FENCES. All accesses to any excavation operations shall be barred by an appropriate fence and/or gate.

5. BUILDINGS AND STRUCTURES. No buildings or structures related to the excavation operations shall be permitted or erected on the premises during the excavation operation except as may be permitted by the Town Plan and Zoning Commission and subject to any conditions set forth by the Commission.

All such buildings and structures shall be located a minimum distance of one hundred (100) feet from residential zone or any residential property in any zone, except as may otherwise be permitted by the Commission.

Any permitted buildings and structures shall be properly maintained and shall conform to all applicable codes and ordinances of the Town of Glastonbury. Any such building or structure that has not been used for a period of one continuous year shall be removed from the premises by the owner, and all building and structures related to the excavation operations shall be dismantled and removed from the premises by the owner not later than sixty (60) days after termination of the excavation operations or expiration of the special permit.

6. MACHINERY AND EQUIPMENT. No fixed machinery or equipment shall be permitted, erected or maintained on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted on the premises, except as may be permitted by the Town Plan and Zoning Commission.

All fixed equipment and machinery shall be located a minimum distance of three hundred (300) feet from any residential zone or any residential property in any zone, except as may otherwise be permitted by the Commission.

All equipment and machinery, whether fixed or not, shall be properly maintained and stored and shall be dismantled and removed from the premises by the owner not later than sixty (60) days after the termination of the excavation operations or expiration of the special permit.

b. Operating Standards

1. HOURS OF OPERATION. Operating hours for excavation operations shall be restricted to weekdays (Monday through Friday), between the hours of 7 a.m. and 4 p.m., except as may otherwise be permitted by the Town Plan and Zoning Commission. Excavation operations shall not be allowed on legal State holidays with the exception of Columbus Day and Veterans Day. Equipment startup and/or engine idling on or adjacent to the site shall not be permitted prior to the approved hours of operation.
2. EQUIPMENT AND MACHINERY. All equipment and machinery shall be maintained in good repair and operated in such a manner as to minimize noise, vibration, smoke dust, unsightly conditions and any other nuisance.
3. DUST AND WIND EROSION. All storage areas, yards, access roads, service roads or other untreated open areas within the premises shall be improved with proper landscaping, paving or other appropriate materials to minimize dust, other wind blown air pollutants and wind erosion.
4. SPILLAGE/VEHICLE IDENTIFICATION. To prevent spillage from vehicles and wind blown air pollution, any truckload of earth material which is to travel on a public street shall be covered



with tarpaulin or other suitable material. All commercial haulers shall utilize vehicles clearly marked with the hauler's name and an identification number. Vehicles with a hauling capacity of less than 8 cubic yards shall be exempt from the above marking/identification requirements.

5. DRAINAGE AND WATER EROSION. The owner and operator of the premises shall provide proper drainage, as approved by the Town Plan and Zoning Commission, at all stages during and after completion of the excavation operations to prevent the collection and stagnation of water, interference with or disturbance of the flow, banks or bed of any watercourse, the erosion of the premises or adjoining properties or any other harmful effects to adjoining properties or the future use of the premises.
6. NATURAL WATER OR DRAINAGE AREAS. No watercourse, wetland or drainage area shall be altered in any way until and except as approved by the Town Plan and Zoning Commission, subject to any conditions set forth by the Commission. No waste products or process residues from any excavation operations shall be disposed of in any watercourse, wetland or drainage area. Particular concern and precaution shall be taken in the case of watercourses, wetlands and drainage areas regarding filtration, sedimentation, stabilization and grading.
7. LATERAL SUPPORT. Adequate provisions, as approved by the Town Plan and Zoning Commission, shall be provided for the lateral support and stabilization of all banks and slopes. No bank, both during the operation (except during the time of actual active excavation or filling in a particular location) and upon completion of the operation, shall exceed a slope of one upon completion of the operation, shall exceed a slope of one (1) foot of vertical rise in three (3) feet or horizontal distance (i.e., 3:1), except that in any case the acceptable slope shall be determined by the Commission.

In appropriate instances, as determined by the Commission, terracing of banks to achieve a proper slope and insure adequate support and stabilization of such banks, may be permitted subject to any conditions or limitations set forth by the Commission.

8. STOCKPILING AND OVERBURDEN. All overburden shall be stockpiled in windows or concentrated piles and stabilized (and appropriately covered if necessary) in a manner acceptable to the Town Plan and Zoning Commission so as to prevent its erosion by either wind or water and so that it does not become a source of dust or other wind blown air pollutants.

There shall be no stockpiling of materials within one hundred (100) feet of any property line.

9. TOPSOIL PRESERVATION. A minimum of the top four (4) inches of soil shall be set aside on the premises for re-spreading over the excavated area in accordance with these Regulations. Such topsoil stockpiles shall be treated, as approved by the Town Plan and Zoning Commission, to prevent the effects of erosion by wind or water and shall not be sold or removed from the premises.
10. LOAMING AND SPEEDING. No later than sixty (60) days after expiration of the special permit or completion of the excavation operations or any substantial portion thereof, any exposed area where filling or removal has taken place shall be covered to a depth of not less than four (4) inches with topsoil or loam and seeded with a suitable cover crop acceptable to the Town Plan and Zoning Commission and the Town Building Official. This requirement may be held in abeyance during the months of November, December, January and February.
11. SCREENING AND LANDSCAPING. The Town Plan and Zoning Commission may require excavation premises and/or operations to be properly screened from adjoining properties or public streets because of the location, size, extent or intensity of the operations, particularly in the case of any permitted structures, buildings or fixed equipment and machinery.

12. CURBS AND SIDEWALKS. It shall be the responsibility of the operator of the excavation operations to repair, immediately, any damage to any sidewalks, curbs, surface drains or other improvements or utilities that may be caused as a result of the excavation operations.

13. SAFETY. Proper safety measures for within the premises and for the surrounding area shall be clearly set forth and strictly adhered to at all times to protect the health, welfare and safety of all individuals and property.

All operations shall be conducted in a safe manner to prevent hazards to persons, physical damage to adjacent land or improvements, and damage to any road, street, highway or property because of slides, sinking or collapse.

6.2.8 APPLICATION FOR SPECIAL PERMIT FOR EXCAVATION OPERATIONS. Every application for a special permit for excavation operations shall be made in a form and in accordance with procedures established by the Town Plan and Zoning Commission. At a minimum, the application shall include the following supporting documentation:

a. A properly certified key map of the general area at a scale of 1" = 200' showing:

1. boundary and owner of record of the premises in question;
2. boundaries and owners of record of all adjacent properties;
3. topography and contours of the premises and all land within five hundred (500) feet of the boundaries of the premises, with the contour interval being two (2) feet if the ground slope is three (3) percent or less and five (5) feet if the ground slope is more than three (3) percent;
4. existing land use(s) on the premises and within five hundred (500) feet of the boundaries of the premises;
5. all natural watercourses, wetlands and drainage areas on the premises and within five hundred (500) feet of the boundaries of the premises;
6. all public and private roads which provide access to the premises;
7. all existing utilities and easements on the premises.

b. A properly certified site plan map, in triplicate, at a scale not smaller than 1" = 100' conforming, at a minimum, to the requirements of Class A-2 Transit Surveys as set forth in the Code of Recommended Practice for Standards of Accuracy in Maps, and showing:

1. the entire boundary and acreage of the premises;
2. the number of cubic yards of earth products to be involved in the excavation operations, differentiating between fill and removal;
3. all information shown on the key map as it relates to the premises;
4. proposed contours and finished grades at the completion of the excavation operations, and for any interim stages, contour intervals to be the same as for the key map;
5. acres of active operation and stockpiling, differentiating between removed topsoil stockpiling and stockpiling of other materials;

6. means of vehicular access to the premises;
  7. average thickness of overburden in the area proposed for any excavation operations;
  8. any staging of active areas of excavating operations;
  9. location of any proposed buildings and structures and fixed equipment and machinery;
  10. such additional information so as to clearly indicate complete compliance with the required standards for a special permit for excavation operations set forth in Section 6.2.7.
- c. Performance bond, with adequate surety, in accordance with the provisions set forth in Section 6.2.10.

The Town Plan and Zoning Commission may require the applicant to provide additional information in sufficient detail to enable the Commission to clearly evaluate the proposed excavation operations in terms of the criteria set forth in Section 6.2.6 and determine compliance with the standards set forth in Section 6.2.7.

In addition, the Commission shall require the review and advisory report of the Glastonbury Conservation Commission as to the environmental impact of the proposed operations and may require the review and advisory report of other agencies and officials, such as the Soil and Water Conservation District, particularly when natural water areas or drainage basins may be involved in the excavation operations.

The applicant may, at his discretion, unless otherwise required by the Commission, submit additional appropriate and accurate information such as vertical aerial photographs at a scale 1" = 200' to support his documentation.

#### 6.2.9 Public Hearing

After receipt of the application and accompanying maps and supporting documents, the Town Plan and Zoning Commission shall hold a public hearing after notice has been published at least once, not less than five (5) days nor more than fourteen (14) days prior to the date of the hearing, in a newspaper having a substantial circulation in the Town of Glastonbury. The Commission may require written notice to be given to all adjacent property owners. The notice shall state, at a minimum, the time and place of the hearing; the name of the applicant; the premises for which the excavation operations are proposed; and the number of cubic yards of earth products which the applicant proposes to fill and/or remove.

#### 6.2.10 Performance Bond

Prior to the issuance of any special permit for excavation operations, the owner of the premises or the owner and the tenant under a written lease, shall post a performance bond with and in favor of the Town of Glastonbury, in an amount and with surety approved by the Town Plan and Zoning Commission but not less \$3,500 for each acre of land to be used for active excavation operations, sufficient to guarantee complete conformity with the provisions and standards of these Regulations or any supplemental agreement called for by the Town Plan and Zoning Commission, with the approved finish grades as shown on the site plan map submitted with the application, and with any approved interim stage grade requirements shown on the site plan map or required by the Commission. The agreement filed with the bond shall, among other things, grant the Town the right of access to perform all necessary rehabilitation of bonded property in the event of forfeiture of the performance bond. No such performance bond shall be released by the Town Plan and Zoning Commission until and after all provisions, conditions and requirements set forth herein have been completely met and fulfilled.

#### 6.2.11 Special Permit Requirements

After the public hearing and after the necessary performance bond(s) required by Section 6.2.10 of these Regulations is properly secured and provided the Town Plan and Zoning Commission is satisfied that the proposed

excavation operations completely conforms to the purposes, criteria and standards of these Regulations, the Commission may issue a special permit for the excavation operations, subject to conditions including the following:

- a. **Time Period.** The Commission may grant a special permit for excavation operations for a limited period of time, but in no case shall a special permit be issued for a period longer than 24 months.  
  
In fixing the period of time for the special permit, the Commission shall consider the size and location of the area proposed for excavation operations, the overall magnitude of the operations, and the character and development of the surrounding neighborhood, both existing and proposed.
- b. **Monthly Reports.** All excavators shall submit monthly reports to the Town Plan and Zoning Commission which specify the number of vehicle trips completed during that month. Additionally, the Commission may require that an updated site plan map be completed during the term of an excavation if it is deemed necessary to determine the operation's compliance with these Regulations.
- c. **Expiration Of Permit.** Any special permit for excavation operations shall expire and become null and void at the time the excavation operations are completed to the limits shown on the approved application and site plan map.
- d. **Change Or Extension Of Permit.** Nothing herein shall prevent the applicant from filing a revised site plan map, modifying, expanding or reducing the scope and area of the excavation operations originally approved by the Town Plan and Zoning Commission, except that any such expansion of the operations beyond the limits approved by the Commission shall be considered a new application and shall require complete conformance with all the requirements of these Regulations.
- e. **Compliance With Special Permit.** All excavation operations shall comply with all the standards and conditions set forth in its special permit as approved by the Town Plan and Zoning Commission. Failure to comply with all such standards and conditions shall make the special permit null and void at the time of such failure to comply and a new application shall be required in conformance with the provisions of these Regulations for any continued operation of the excavation operations. If there is noncompliance with any standards or conditions, the excavator shall report to the next regularly scheduled Town Plan and Zoning Commission meeting to explain such noncompliance.

The Town Building Official may, at his discretion and after inspection of the premises, permit minor deviations from the approved application and site plan map during the operation of the excavation operations which may be necessary to allow normal operation of field equipment and machinery, provided such minor deviations shall not affect in any way the final results, grading, contours, and the like of the premises as shown on the approved application and site plan map.

#### 6.2.12 Earth Product Processing

No gravel stone, sand or other earth products may be processed on the premises, such processing requiring stone crushers or other machinery not needed for actual excavation operations, except with the permission of the Town Plan and Zoning Commission or except for the continuation of pre-existing processing operations carried on as permitted nonconforming uses.

#### 6.2.13 Penalties For Violation

Whosoever violates these Regulations by operating without the special permit required by these Regulations is subject to a fine of \$100 a day for every day during which excavation operations are carried on without the required special permit. In addition to the foregoing, any failure and refusal by a permittee to grade, recover with topsoil, and seed as required by these Regulations shall be grounds for suspending any and all special permits for excavation operations held by the permittee. EFFECTIVE MAY 15, 1989.

### 6.3 Motor Vehicle Car Wash

Motor vehicle car washes of the self-service, automatic or semi-automatic type, as distinguished from a car washing service consisting primarily of hand washing by service station personnel utilizing hoses and rags or sponges, are a permitted special permit use in the Planned Business and Development (PBD) Zone, the Planned Travel (PT) Zone, and the Planned Commerce (PC) Zone **EFFECTIVE 04-14-04** subject to the requirements of those zones, and any other review and approval which may be required by these Regulations and, in addition, the following conditions:

- a. There shall be a minimum of one thousand (1,000) square feet of lot area, excluding exit drives, for each bay of a single car bay type car wash for storage area for waiting motor vehicles; and a minimum of three thousand (3,000) feet of lot area, excluding exit drives, for each bay of a tunnel type car wash for storage area for waiting motor vehicles.
- b. The entrance and exit of the premises shall be from and to a public street.
- c. Entrances and exit driveways shall have a minimum width at the curb cut of ten (10) feet.
- d. Functions shall be limited to the washing of motor vehicles and customary accessory uses thereto.
- e. Vacuum equipment and cashier's booth may be located outside the principal structure, but no less than twenty-five (25) feet from any property lines, except as provided in f. below.
- f. All portions of buildings used for the washing of cars must be located not less than seventy-five (75) feet from the zone boundary line of any residential zone (CR, RR, AAA, AA, A) or the property line of any residential property in any zone, and not less than one hundred and twenty-five (125) feet from the street line of the street upon which the premises fronts.
- g. All areas for the washing, drying, vacuuming and parking of motor vehicles or any other use of the premises, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
- h. Every motor vehicle car wash and its premises shall be properly lighted, such lighting to be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential zone or any premises used for residential purposes in any zone.
- i. Every motor vehicle car wash shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year round screening.
- j. All washing facilities shall be enclosed in a permanent building constructed of masonry, porcelainized steel or other material equal in durability and appearance.
- k. Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
- l. In no case shall a car wash facility of the self-service, automatic or semi-automatic type be considered part or accessory to a motor vehicle or gasoline service station or otherwise permitted without complying with the provisions of this section. When a motor vehicle car wash is part of or accessory to a motor vehicle or gasoline service station, it shall be located within the principal service station building and shall abide by the conditions set forth for service stations in Section 6.5 of these Regulations.

- m. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water recycling equipment or any other equipment satisfactory to the Town Sanitarian. Such drainage shall not in any case be directed to storm sewers or natural water courses.

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#### 6.4 Motor Vehicle Limited And General Repair

Motor vehicle limited repair is a permitted special permit use in the Planned Business and Development (PBD) Zone, the Planned Travel (PT) Zone, and the Planned Commerce (PC) Zone **EFFECTIVE 04-14-04** and motor vehicle general repair is a permitted special permit use in the Planned Industrial (PI) Zone and the Planned Commerce (PC) Zone **EFFECTIVE 04-14-04** subject to the requirements of those zones, and any other review and approval which the particular uses may require by these Regulation and, in addition, the following conditions:

- a. There shall be no building on a lot or premises used for motor vehicle limited and/or general repair located within fifty (50) feet of another building.
- b. There shall be no products displayed for sale in the front yard or side street, if any.
- c. There shall be no more than one free-standing identification sign per frontage.
- d. There shall be no streamers, banners or pennants on the lot or structures.
- e. All signs shall abide by the sign regulations of the Glastonbury Building Zone Regulations.
- f. Every premises used for motor vehicle limited and/or general repair shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year-round screening.
- g. All areas for the parking and storage of operable motor vehicles, including customer and employee vehicles, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked on the pavement surface.
- h. There shall be no storage of motor vehicles in the front yard or side street yard, if any.
- i. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.
- j. Any lighting used to illuminate any sign or any area of the premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential zone or any premises used for residential purposes in any zone.
- k. Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
- l. All repair work shall be conducted within the principal building on the lot.
- m. When a motor vehicle limited repair is part of or accessory to a motor vehicle or gasoline service station, it shall be located within the principal service station building and shall abide by the conditions set forth for service stations in Section 6.5 of these Regulations.
- n. Approval of location for premises to be used for motor vehicle limited and/or general repair is required by the Zoning Board of Appeals as set forth in Section 13 of these Regulations.

- o. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water recycling equipment or other equipment satisfactory to the Town Sanitarian. Such drainage shall not in any case be directed to storm sewers or natural water courses.

## 6.5 Motor Vehicle Or Gasoline Service Station

Motor vehicle and/or gasoline service stations, if existing on (the effective date of these Regulations), are a permitted special permit use in the Planned Travel (PT) Zone and in the Planned Business and Development (PBD) Zone, and extensions or enlargements of such existing stations in the PT or PBD Zones shall be subject to the requirements of the Zone in which they are situated, any other review and approval which may be required by these Regulations, and in addition, to subsections a.1 and a.2 and subsections b through r of this Section 6.5; motor vehicle and/or gasoline service stations constructed after (the effective date of these Regulations) are a permitted special permit use in the Planned Travel (PT) Zone, subject to the requirements of the PT Zone, any other review and approval which may be required by these Regulations, and, in addition, the following conditions:

- a. All motor vehicles and/or gasoline service stations shall be located on a lot which shall:
  - 1. have a minimum lot area of fifteen thousand (15,000) square feet for a station with a single pump island, with an additional three thousand (3,000) square feet of lot area being required for each additional pump island; and
  - 2. have a minimum lot frontage of one hundred fifty (150) feet, which frontage, in the case of a new station, unless such station is within a permitted shopping center, shall be on a street which intersects with an entrance and/or exit ramp of a limited access highway; and
  - 3. have its minimum lot frontage, unless such station is within a permitted shopping center, located within two hundred twenty-five (225) feet from the intersection of the street on which said lot fronts and the nearest such entrance and/or exit ramp to such lot, as measured along said street line; and
  - 4. have no portion of such located within five hundred (500) feet, measured in a straight line as established by the Town Plan and Zoning Commission, from any part of any lot, building or premises used for a college, school, place of worship, hospital, library, theater, park, playground or other similar place of public gathering.
- b. There shall be a minimum distance of forty (40) feet between any two curb cuts used for entrances and/or exits to the station.
- c. There shall be a minimum distance of fifteen (15) feet between any two curb cuts used for an entrance and/or exit to the station and the nearest side line of the lot on which the station is located.
- d. There shall be no products displayed in the front yard or side street yard, if any, except that automobile products such as lubrication oil customarily sold for retail as part of the operation of the service station may be displayed on the pump islands, and coin operated dispensing machines for soft drinks, milk, ice and the like may be located in the front yard or side street yard, if any, if such machines are situated immediately adjacent to the principal building on the lot, and provided further that there shall be a maximum of two (2) such machines per lot.

- e. A landscaped area at least fifteen (15) feet in width shall be provided between the pump island area(s) and the front lot line and side street line, if any, for the full length of the frontage(s), excluding the area required for the station entrances and/or exits curb cuts.

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- f. There shall be no more than one free-standing identification sign per lot.
- g. There shall be no streamers, banners or pennants on the lot or structures.
- h. All signs shall abide by the sign regulations of these Glastonbury Building Zone Regulations.
- i. Every motor vehicle or gasoline service station shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year round screening.
- j. All areas of the parking and storage of vehicles, including customer and employee vehicles, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked out on the pavement surface.
- k. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.
- l. There shall be no storage or parking of vehicles in the front yard or side street yard, if any.
- m. Any lighting used to illuminate any sign or any area of the gasoline services station and its premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises.
- n. Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
- o. All repair work shall be conducted within the principal building on the lot.
- p. The Town Plan and Zoning Commission may required, if it deems such action appropriate to reduce the potential noise and visual impact of the station on surrounding development, that the entrances to the stations' service bays be located on a particular side of the station's service building.
- q. Approval of location for motor vehicle or gasoline service stations is required by the zoning Board of Appeals as set forth in Section 13 of these Regulations.
- r. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water recycling equipment or other equipment satisfactory to the Town Sanitarian. Such drainage shall not in any case be directed to storm sewers or natural water courses.

## 6.6 Retail Trade

### Eating And Drinking Without Drive-In Or Curb Service

Retail Trade – eating and drinking without drive-in or curb service is a permitted special permit use in the Planned Business and Development (PBD) Zone and the Planned Travel (PT) Zone, subject to the requirements of those zones, and other review and approval which may be required by these Regulations and, in addition, the following conditions:



- a. No building shall be erected or altered which is used or is arranged, intended or designed to be used for retail trade - eating and drinking without drive-in or curbside service if that service, if that portion of said building or premises actually used or arranged, designed or intended to be used for retail trade - eating and drinking without drive-in or curbside service is located
  - 1. Within one thousand (1,000) feet, measured by a straight line as established by the Town Plan and Zoning Commission, from that portion of any other building or premises actually used or arranged, designed or intended to be used for the same or similar purpose; except that the Town Plan and Zoning Commission may, in its discretion and for good cause in the case of a comprehensive Plan of Development with due consideration to vehicular traffic movement, pedestrian safety and overall site layout, waive this particular distance requirement.
- b. Food service shall be primarily to customers seated at tables or at counters within a closed building.
- c. There shall be no window counter service, outdoor seating or eating at or on the premises, except that the Town Plan and Zoning Commission may in its discretion and for good cause in the case of a comprehensive Plan of Development with due consideration for litter, public health, insect pests and overall site considerations, permit an outdoor café with service to customers seated at table only as an accessory use to a retail trade - eating and drinking facility.
- d. Take-out service or food to be consumed off the premises shall be permitted as an accessory use.

**6.7 Open Space Subdivisions**

The Town Plan and Zoning Commission may permit the establishment of Open Space Subdivisions subject to the provisions of Section 14 of these Regulations and any other review and approval which may be required by these Regulations, and in addition, the conditions, standards and requirements set forth in this Section 6.7.

**6.7.1 Purpose**

The Commission, whether upon application of a subdivider or otherwise, may require or permit dedication of land as open space in a subdivision when it deems that such land will conserve natural or scenic resources; protect open space, and recreational areas; meet recreational needs of present and projected population in the area; save historic sites, wildlife sanctuaries, and outstanding forests; preserve ridges, ravines, ledge outcroppings, and other unusual physical features; or promote orderly community development. It is the purpose of this Section 6.7 to provide for controlled flexibility of lot sizes so that the number of dwelling units contemplated by the minimum lot requirements in each zone is maintained on an overall basis and desirable open space, recreation areas, tree cover, greenbelts, scenic vistas, and other natural features are preserved.

**6.7.2 Area**

In addition to any other open space which may be required in a subdivision under appropriate provisions of the Glastonbury Subdivision and Re-subdivision Regulations, the area of the open space which may be required or permitted to be dedicated in return for the reduction of lot sizes under this Section 6.7, some or all of which shall be buildable land, shall be at least equal to the difference between the area of lots as permitted in the zone in which the proposed subdivision is located and the area of reduced lots as permitted herein, provided that the number of lots as reduced shall not exceed the number of unreduced lots which would have been permitted in the zone for the subdivision.

### 6.7.3 Within Master Sewer Plan Area

In open space subdivision approved hereunder and located within the limits shown on the last master sanitary sewer plan accepted by the Glastonbury Sewer Commission, lot area, yard and frontage requirements may be reduced to not less than the minimum lot area, yard and frontage requirements of the next higher density residential zone, except that lot area and frontage requirements in an A residence zone may be reduced to not less than 12,000 square feet and 80 feet respectively, and the front yard, side yard and rear yard requirements in an A residence zone may be reduced to not less than forty (40) feet, fifteen (15) feet and forty (40) feet, respectively. The sequence of zones from lowest to highest density shall be: I-CR, II-RR and AAA, III-AA, IV-A.

### 6.7.4 Beyond Master Sewer Plan Area

In open space subdivision approved hereunder and located beyond the limits of said master sanitary sewer plan, lot area, yard and frontage may be reduced as hereinabove limited in 6.7.3 only if the Town Sanitarian has determined that each lot has sufficient area for replacing the septic field twice soils have a percolation rate of five (5) minutes or less per inch, and the conditions of ledge and water tables are suitable, or if the subdivider has provided for a suitable package treatment plant for the entire subdivision, the location, construction and agreement for the operation and maintenance of which must be approved by the Town Sanitarian and Sewer Commission.

### 6.7.5 Procedure

The subdivider shall submit, in addition to the subdivision plan and other documentation as required in the Subdivision and Re-subdivision Regulations a plan showing the layout of lots and streets in conformance with the zone in which the proposed subdivision is located. In such plan, land not suitable for development purposes, such as power line easements and existing bodies of water, shall be excluded.

### 6.7.6 Other Lands of Subdivider

In determining the total open space to be dedicated, the Commission may consider not only the tract or tracts to be subdivided immediately but also any other adjacent tract owned, controlled, or under agreement to buy or optioned by the subdivider or corporation controlled or owned by the subdivider.

### 6.7.7 Referrals

The Commission shall refer the subdivision plan and proposal for dedication of open space to the Conservation Commission, the Sewer Commission, and the Soil Conservation Service or any other agency or organization which the Commission deems may have an interest in said plan and proposal for review and comment.

### 6.7.8 Public Open Space

The Commission may accept or require, in a form and manner prescribed by it, open space to be dedicated perpetually to the Town, provided that it determines the public interest would be served by such dedication. In making such determination, it shall consider, among other things the relationship of the open space to the Town Plan of Development, access to and use of the open space by the general public, and restrictions of and purposes of the open space.

### 6.7.9 Common Open Space

If the Commission determines that the dedication of open space to the Town would not be in the public interest, it may cause the open space to be transferred either to an association of homeowners or the owners of the lots in the subdivision as tenants in common, or to another entity where in the owner of each lot in the subdivision shall own an undivided interest in the open space or in the association or other entity proportionate to the total number of lots in the subdivision. Such transfer shall be in accordance with the standards established by the Commission which may include the following:

- a. Creation of the homeowners association before any lots are sold;
- b. Mandatory membership by the original homeowner and any subsequent buyer;
- c. Powers to assess and collect from each homeowner a fair share of associated costs;
- d. Restrictions on the use and development of such open space;
- e. Responsibility for providing adequate maintenance, including insurance;
- f. Possible maintenance by Town, including ability to use homeowners' assessment for such purposes, in the event of default by those primarily responsible for maintenance;
- g. Recordable declaration of restrictions of covenant and/or deed restrictions, enforceable by Town;
- h. Approval of articles of incorporation, declaration of restrictions and covenants, and/or deed restrictions by the Town Attorney.

#### 6.7.10 Dissolution of Association

The articles of incorporation of the homeowners association may provide for dissolution of the association by a majority of all its members, but not without the consent of the Town of Glastonbury, acting by the Town Manager. Upon dissolution of the association, the open space may revert to the Town if so directed by the Town, which may take action, through its Town Council, to retain or dispose of said open space, provided, however, that such open space shall be subject to a conservation easement and shall be used only for purposes consistent with the provision of such easement.

#### 6.7.11 House Size Reduction

The subdivider or subsequent owner, with the permission of the Town Plan and Zoning Commission, may reduce the size of any dwelling unit built within an open space subdivision approved hereunder by up to fifteen (15) percent of the minimum house size established for the zone in which the proposed subdivision is located.

#### 6.7.12 Condition of Open Space

Any land to be dedicated as public open space shall be left in its natural state by the subdivider, except for improvements which may be required and approved by the Commission, and except for public utilities, and shall not be graded, cleared or used as a repository for stumps, brush, earth, building materials or debris.

#### 6.7.13 Final Approval

The Commission may give final approval to the subdivision if it finds that the purposes, procedure, standards and conditions set forth herein have been met. Nothing herein shall be deemed to waive other requirements of final plans for subdivision.

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## 6.8 Rear Lots

### AMENDED EFFECTIVE AUGUST 9, 1996

#### 6.8.1 Authorization

In accordance with the provisions of this section, the Town Plan and Zoning Commission may grant special permits to allow the construction of dwellings with permitted accessory buildings on rear lots in residential zones.

#### 6.8.2 Definition of Rear Lot

A lot which does not meet the frontage requirements of these regulations for the underlying zones.

#### 6.8.3 Re-subdivision Limitation

A Section 6.8 Special Permit shall not be granted for any rear lot that is created by the re-subdivision of any numbered and approved lot in any subdivision approved after the effective date of this ordinance (3/9/87).

Furthermore, any driveway that has the potential to, or is anticipated to access "other land of", as defined under Section 6.8(c) of the Glastonbury Subdivision and Re-subdivision Regulations, shall be labeled "possible future access rive to undeveloped land" on final development plans. No rear lot shall be approved without compliance with this paragraph.

#### 6.8.4 Requirements for Rear Lots

A special permit authorizing single-family dwelling construction on rear lot(s) may only be granted following satisfactory demonstration to the Town Plan and Zoning Commission that the following criteria have been met:

- a. Construction of dwelling(s) will not impair the health, safety, general welfare of future occupants, abutting landowners; and will not impair future land use, and road layouts anticipated by the Plan of Conservation and Development.
- b. A rear lot shall have a minimum area of 80,000 square feet. The Commission may issue a special permit for smaller rear lots of record existing as of October 22, 1973.
- c. A principal dwelling on a rear lot shall not be located further than 1,000 feet from the street line of the Town street to which access is provided; measured along the centerline of the rear lot access driveway. The Commission may waive the 1,000 foot driveway limit to allow a rear lot driveway up to 1,500 feet in length measured along the centerline.
- d. There shall be a maximum a one single-family dwelling with permitted accessory buildings or uses on a rear lot. The Commission may grant special permits allowing the construction of single-family dwellings on up to two adjacent or contiguous rear lots serviced by a single common access drive. Notwithstanding the foregoing, the Commission may permit a maximum of three lots to be served by a single common access drive provided that an acceptable standard of safety of persons and property is demonstrated by the applicant and confirmed by the reports described in Section 6.8.5, and provided that the applicant demonstrates that:

1. No public road is capable of being extended beyond the subject property due to one or more of the following:
  - a.) ownership of adjacent properties by a government agency or a public utility, whose property is being used for a public or utility purpose;
  - b.) the presence of existing residential development which cannot legally or physically interconnect with such a road; or
  - c.) the potential for significant environmental degradation due to the existence of wetlands and watercourses and/or the presence of severe topography (slopes greater than 15%), and
2. prudent or feasible access alternatives to adjacent properties exist elsewhere, and
3. all applicable standards and criteria, found under Section 12.4.a, 12.4.b., and 12.4.c. of the Glastonbury Building-Zone Regulations are met.

The final plans shall contain a notation stating: "rear lot served by a private driveway must be maintained and repaired by the lot owners. The Town of Glastonbury will provide no maintenance or repair services to private driveways."

Adjacent rear lot driveways shall be separated by an 8 foot minimum vegetative buffer or a 4 foot minimum landscaped island.

- e. EXCEPT AS PROVIDED IN SECTION 6.8.4.i, the owner(s) of each rear lot or lots shall own a PERPETUAL INDEFEASIBLE INTEREST in a right-of-way at least 20 feet wide; provided, however, that the Commission may, in its discretion, waive the FOREGOING requirements, as long as property over which said right-of-way passes shall have frontage on a Town road in excess of 20 feet over the minimum frontage required in the underlying zone or shall be property to which frontage requirements are not applicable. AMENDMENT EFFECTIVE JANUARY 2, 1992.
- f. All access driveways serving one or two rear lots shall have a minimum unobstructed width of 16 feet. All access driveways serving three rear lots shall have a minimum unobstructed width of 20 feet, for that portion of the common driveway serving three lots. All access driveways with an average grade in excess of 8% shall be paved with 2 inches of compacted bituminous concrete and constructed with appropriate storm water control to minimize washouts. All access drives shall have a surface base of 10 inches of compacted bank run gravel or stone. No rear lot access drive shall contain any grade in excess of 15%. The Commission may require additional driveway standards based upon actual field conditions.
- g. All rear lots shall be provided with a vehicular turnaround at the dwelling in order to accommodate emergency vehicles. The Town street entrance to the rear lot access driveway shall be posted with a house number identification sign with numbers at least 6" high.
- h. Each rear lot shall comply in all respects with the requirements of the underlying zone as established in Section 3 and 4 of the Building Zone Regulations, except for frontage requirements. For purposes of determining compliance with this subsection, the lot line from which the access driveway leads shall be considered the front line of any proposed rear lot.

- i. In the case of any existing or proposed lot(s) that is served or to be served by a private road approved for Town maintenance, as described in the Glastonbury Town Code 17-32, the Commission may waive any of the foregoing requirements of Section 6.8.4 (with the exception of subsections a. and b.) with which such lot(s) cannot reasonably comply if the Commission determines that such private road can serve such lot(s) without impairing the health, safety, or general welfare of existing or proposed residents on such private road. In reaching its determination, the Commission shall consider, among other factors, the width, length, condition or storm water drainage, and other characteristics of such private road; the number of residences currently served and to be served by such private road; and the environmental impact, if any, of extending or improving any such private road. The applicant shall present evidence that it has the legal right of record to access the affected lot(s) via such private road. Access shall be restricted to property(ies) having such right of access. AMENDED EFFECTIVE JANUARY 2, 1992.
- j. A standardized perpetual maintenance agreement in accordance with Appendix A of the Building-Zone Regulations shall be provided and recorded on the Glastonbury Land Records for all common driveways (serving more than one lot).

6.8.5 The following written reports shall be provided to the Commission and made available to the Office of Community Development prior to the Public Hearing:

Reports from the Police and Fire Marshal as to:

- a. The feasibility of ready access by emergency vehicles to each dwelling, and
- b. The demonstration by the applicant of an acceptable standard of overall design regarding the safety of persons and property. Such standards may include but not be limited to: fire prevention and suppression, crime prevention and detection, occupancy and visitor access and interior vehicular movement.

6.8.6 Permitted Stipulations with Special Permit for Rear Lot Approval

The Commission, in approving a rear lot special permit after applying these Regulations in harmony with their general intent, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the areas as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening and dwelling location.

6.9 Supervised Group Quarters

Supervised Group Quarters are a permitted special exception in the Country Residence CR, Rural Residence RR, Residence AAA, Residence AA, and Residence A Zones, subject to the requirements of those zones; the provisions of Section 13, of these Regulations, any other review and approval which may be required by these Regulations and, in addition, the following conditions:

- a. Character of Neighborhood, Supervision and Number of Residents: No supervised group quarters shall be permitted in any neighborhood unless the Zoning Board of Appeals shall first take into consideration the existence of any other use of like kind or character in the area and the effect thereof on the neighborhood; the suitability of the subject lot; the suitability of the building or structure in view of the intensity of the use to be made of it, especially with regard to consideration of health and safety; and the recommendations of a Board composed of the Social Service Division, the Director of Youth and Family and the Chief of Police regarding such matters as the number and qualifications of necessary supervisory personnel and the number of persons who may reside in said quarters. Any special exception for a supervised group quarters shall be subject, in addition to such other conditions or restrictions as the Zoning Board of Appeals may stipulate, to a limitation on the number of appropriately trained supervisory personnel who must reside therein.

- b. **Occupancy Permit:** No building or structure may be used as supervised group quarters until an occupancy permit for that purpose is obtained from the Town Building Official.
- c. **Operation:** Any supervised group quarters which has been granted a special exception under this special regulation shall operate at all times in compliance with the terms, conditions and restrictions of said special exception and with all applicable Federal and State laws and regulations, and shall be satisfactorily staffed and properly equipped so that the operation of said quarters, and all functions necessary to be performed therein, are carried on at all times in a manner which will insure the preservation of the character of the neighborhood and the preservation and protection of the health, safety and morals of all persons within said quarters and surrounding neighborhood.
- d. **Non-Compliance Revocation:** Said Board composed of the Social Service Division, the Director of Youth and Family and the Chief of Police shall review each such supervised group quarters on a continuing basis and shall determine the compliance thereof with the provisions of paragraph c. of this special regulation. In the event it is determined by said Board that any of the provisions of this special regulation are being or have been violated by any such supervised group quarters, when the Board shall notify the Town Building Official of such violation whereupon the Town Building Official shall issue a written order to remedy such violation within such reasonable time as he shall determine and state in such order, and if such violation is not remedied as ordered, the Town Building Official shall revoke the occupancy permit for such supervised group quarters. Such revocation shall not become effective until fifteen (15) days after notice thereof has been sent by certified mail to the holder of the occupancy permit, during which time the holder may appeal from the action of the Town Building Official to the Zoning Board of Appeals. If such appeal is made, revocation shall be stayed until such time as the Zoning Board of Appeals, after public hearing, shall affirm, or overrule or overrule with conditions, the action of the Town Building Official. Any person aggrieved by any action of the Zoning Board of Appeals shall have the right to appeal such action under appropriate General Statutes.

## **6.10 Trailers – Special Regulations**

### **6.10.1 Permitted Trailers or Mobile Homes**

- a. **Residential Trailers or Mobile Homes, Occupied:** A trailer or mobile home used, occupied or intended to be used or occupied for single-family residential or living purposes on the premises on which such trailer or mobile home is parked may be permitted in the Country Residence CR Zone and in the Rural Residence RR Zone, subject to the requirements of that zone, and any other review and approval which may be required by these Regulations and, in addition, the provisions of this Section 6.10. Such trailer or mobile home occupied for residential or living purposes shall be considered to be a principal use of the property. Trailers occupied in accordance with Section 6.10.3.d.1.c shall not be considered a principal use of the property. EFFECTIVE JULY 1, 1983.
- b. **Residential Trailer or mobile Home, Unoccupied:** A trailer or mobile home parked or stored on a premises and used, occupied or intended to be used of occupied for residential, living or recreational purposes off such premises shall be considered to be an accessory use and shall be subject to the requirements of Section 7 of these Regulations.
- c. **Construction Trailers:** Trailers or semi-trailers used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a bona fide and active construction job may be permitted on such premises of such construction job in any zone, subject to the conditions of the particular zone in which the trailer is parked, and any other review and approval which may be required and, in addition, the provisions of this Section 6.10.

- d. No trailer or mobile home camp shall be established, maintained or conducted in the Town of Glastonbury.

#### 6.10.2 Occupancy of Trailers or Mobile Homes

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No trailer, mobile home or semi-trailer used or intended to be used or occupied for residential or living purposes in any instance or for field office or storage purposes on a construction site shall be so used and occupied unless and until a property temporary or regular occupancy permit has been issued by the Town Building Official.

#### 6.10.3 Occupancy Permits

- a. The Town Building Official may issue a temporary or regular occupancy permit to allow a trailer or mobile home to be used or occupied for residential or living purposes in the Rural Residence or Country Residence Zones or for a trailer or semi-trailer to be used or occupied for field office or storage purposes on the premises of a bona fide and active construction job in any zone. The Building Official shall determine whether to issue a temporary or regular occupancy permit on the basis of the purpose for which the trailer or mobile home is to be used or occupied, the period of time it is to be used or occupied and the location at which it is to be parked.
- b. An individual occupancy permit shall be required for each individual trailer, mobile home or semi-trailer on each lot.
- c. All occupancy permits shall state the location at which the trailer, mobile home or semi-trailer is to be parked, the purpose for which it is to be used and the number of occupants, if any.
- d. In the case of a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes:
  - 1. A temporary occupancy permit:
    - a.) Shall be valid for a period of only thirty (30) days from its date of issuance and may be renewed for one additional period of thirty (30) days, after which it may not again be renewed for a period of six (6) months; and
    - b.) May be issued only to an applicant who does or is going to occupy the trailer or mobile home for which the permit is sought and who shall own or lease such trailer or mobile home or own the land upon which such trailer or mobile home is to be parked.
    - c.) May be issued to an applicant who has received a Special Permit with Design Review from the Town Plan and Zoning Commission to locate one trailer or mobile home on a farm in the Rural Residence or Country Residence Zone; specifically for the purpose of housing seasonal-agricultural workers. The temporary occupancy permit shall be for a period not to exceed 240 days\* in any one year; and shall be strictly limited to the growing and harvest period of the primary agricultural product. Seasonal agricultural group quarters shall be permitted only on farms where agricultural production is the principal means of livelihood as defined by Section 12-91 of the Connecticut General Statutes and recorded with the Town Assessor. Also, prior to the issuance of a temporary occupancy permit, the applicant shall provide evidence satisfactory to the Building Official that verifies participation in a bona fide migrant farm worker program.  
EFFECTIVE JULY 1, 1983 \* AMENDED EFFECTIVE APRIL 6, 1987.

- 2. A Regular Occupancy Permit:



- a.) Shall be valid for a period of one (1) year from its date of issuance and may be renewed for two (2) additional and consecutive one (1) year periods subject to the provisions of Section 6.10.3.d.3, State Statutes, and local ordinances; and
  - b.) May be issued only to an applicant who does or is going to occupy the trailer or mobile home for which the permit is sought and who owns or leases such trailer or mobile home or the land upon which such trailer or mobile home is to be parked.
3. A regular occupancy permit for a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes may be granted only if and after a bona fide application has been filed with the Town Building official for a construction permit covering the construction of a permanent residence on the same premises on which such trailer or mobile home is parked.
  4. Prior to issuance by the Town Building Official, each and every occupancy permit, including renewals, for a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes shall have the written approval of the Town health Official certifying compliance with the sanitary regulations of the State of Connecticut and the Town of Glastonbury.
- e. In the case of a trailer or semi-trailer used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a bona fide and active construction job:
1. A temporary occupancy permit shall be valid for a period of not in excess of thirty (30) days from its date of issuance and may be renewed for one additional period of thirty (30) days after which it may not again be renewed for a period of six (6) months.
  2. A regular occupancy permit shall be valid for a period of one (1) year from its date of issuance or the duration of construction activity, whichever is shorter. If construction activity on such premises continues for a period exceeding one (1) year, such permit may be renewed for a maximum of two (2) consecutive one-year periods following the first year, provided that any such renewal shall automatically cease upon the cessation of construction activity. If such permit is not renewed for an additional one (1) year period, the trailer or semi-trailer shall promptly be removed by the owner from the premises.
  3. Any such temporary or regular occupancy permit may be issued to either the prime contractor of such construction job or the owner of the premises of such construction job, or both, provided that no such permit shall be issued until and after a valid binding permit has been issued covering such construction, or a portion thereof, on such premises.

#### 6.10.4 Location

- a. Any trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes in the Rural Residence or Country Residence Zones shall be located in the rear yard, or the rear half of the lot, and shall be a minimum of one hundred (100) feet from any street line, fifty (50) feet from any dwelling on the same lot, twenty-five (25) feet from any side lot line fifty (50) feet from the rear lot line, five hundred (500) feet from any public building, and two hundred (200) feet from any dwelling on any other lot, except as may otherwise be required or permitted by the Town Building Official because of the topography or location of the premises, adjacent properties and surrounding development, existing or proposed.
- b. Any trailer, mobile home or semi-trailer used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a construction job in any zone shall be located only as approved by the Building Official, who shall consider the location of the premises, adjacent properties, surrounding development, both existing and proposed, and the purpose for which such trailer, mobile home or semi-trailer is or is to be used or occupied.

#### 6.10.5 Fees

- a. For a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes, the fee for each temporary occupancy permit, or any renewal thereof, shall be \$10 and the fee for each regular occupancy permit, or any renewal thereof, shall be \$50. Such annual renewal fee of \$50 shall be waived for occupants over sixty-five (65) years of age. AMENDED EFFECTIVE JULY 8, 1975.

The fee for a temporary occupancy permit or any renewal thereof, issued for the purposes of housing seasonal agricultural workers shall be \$50 for 180 days and \$75 for 240 days. AMENDED EFFECTIVE APRIL 6, 1987.

- b. For a trailer, mobile home or semi-trailer used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a construction job; the fee for each temporary occupancy permit, or any renewal thereof, shall be \$25, and the fee for each regular occupancy permit, or renewal thereof, shall be \$75.

#### 6.10.6 Changes or Additions

No person shall make structural changes or erect additions to a trailer, mobile home or semi-trailer for the purposes of converting it into a tenement or permanent dwelling, nor shall any occupied trailer, mobile home or semi-trailer be dismantled.

#### 6.10.7 Compliance

Any occupancy permit shall be voided upon the failure of the permittee to conform to these Regulations, any conditions of the permit or to the State or Town sanitary regulations. A voided occupancy permit shall not be reinstated. AMENDED EFFECTIVE JULY 1, 1983.

### 6.11 Special Permit For An Accessory Apartment Within A Single Family Dwelling

#### 6.11.1 Statement of Purpose

The Town of Glastonbury recognizes the public need for the provision of a variety of housing types including efficient and affordable housing for singles, couples, single parents with one child, elderly and new households. Throughout the Town, opportunities exist within underutilized and or large single family dwellings to create small accessory apartments to meet these needs. To accomplish this purpose and to protect the health, safety and welfare of existing neighborhoods, the following regulation is enacted.

6.11.2 The Town Plan and Zoning Commission may grant a Special Permit to allow the construction of, addition to, renovation of, and use and occupancy of a single family dwelling in any zone, in order to create one subordinate accessory apartment unit as an integrated part of said single family dwelling, in accordance with the following performance standards.

#### 6.11.3 Performance Standards

- a. Each accessory apartment unit shall have a maximum floor area of 700 sq. ft. and shall contain at a minimum, a cooking area to include a kitchen sink, one full bathroom and not more than one bedroom. At its discretion, the Commission may increase unit size by not more than 15%.

- b. Each accessory unit shall be limited to a maximum occupancy of three persons, not more than two of whom may be adults.
- c. The resultant two dwelling units may have common utilities and may have separate metering devices.
- d. One additional off-street parking space shall be provided for use by the occupant(s) of said accessory apartment.
- e. The accessory apartment unit shall be externally and internally constructed and maintained in such a manner as to retain the appearance and character of the structure as a single family dwelling.
- f. The principal dwelling unit, without including the area of the accessory apartment unit, shall meet the minimum floor area requirement for the zone in which it is located.
- g. The property owner shall reside on the premises.
- h. An approval notice from the Health Department on the adequacy of on site sewage disposal and well water supply if utilized.

6.11.4 The Town Plan and Zoning Commission shall consider and apply the criteria set forth in Section 12 of these Regulations in the consideration and granting of a Special Permit. Additionally, notice shall be provided to all abutters within 100' of the premises by regular mail no less than 10 days prior to the public hearing.

6.11.5 The owner and occupant of said single family dwelling shall, initially and every two years thereafter and when the dwelling is sold, execute and file an affidavit with the Zoning Enforcement Officer stating that the owner continues to occupy the main dwelling or accessory apartment.

ADOPTED: 2-26-91  
EFFECTIVE: 3-19-91

## SECTION 7 ACCESSORY USES AND STRUCTURES

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### 7.1 Accessory Uses And Structures

Accessory uses and structures associated with residential uses located in the residence zones or on lots in non-residence zones on which permitted or non-conforming residential uses are situated shall be subject to the condition that no such use or structure shall involved the conduct of a business or sale of a project, or a service, except a home occupation, a boarding, rooming or lodging house or a roadside stand, all as hereinafter limited, and to the following conditions:

- a. Customary Accessory Uses and Structures
  1. Permitted customary accessory uses and structures. Customary accessory uses and structures are permitted in the residence zones and on lots on non-residential zones on which permitted or non-conforming residential uses are situated, and may include but are not limited to: dog house, greenhouse, tool shed or storage building, children's playhouse, tennis court, laundry room, hobby room or mechanical room, playground or recreation area, and garden.
  2. Height and location of customary accessory structures. AMENDED EFFECTIVE JULY 27, 1976.
    - a.) Except as provided in the following two paragraphs, any customary accessory structure shall conform to the same front, rear and side yard requirements as apply to a principal building for the zone in which the accessory structure is located.
    - b.) Any customary accessory structure fifteen (15) feet or less in height and located seventy-five (75) feet or more back from the street line may be located a minimum distance of five (5) feet from any rear lot line and minimum distance of five (5) feet from any side lot line.
    - c.) On corner lots, all customary accessory structures shall be located a minimum of fifty (50) feet from any street line. AMENDED EFFECTIVE AUGUST 14, 1981.
  3. Maximum floor area of customary accessory structures. AMENDED EFFECTIVE JUNE 13, 1975.
    - a.) Maximum floor area. Customary accessory structures, except pools and private automobile parking garages, shall have a combined maximum floor area not greater than twenty-five (25) percent of the floor area of the principal building on the same lot as such accessory structures. In determining the floor area of the principal building for the purpose of this section, basement and attic floor area shall not be included. AMENDED JUNE 13, 1975\*. All accessory structures existing as of the date of this amendment and used specifically for the storage of farm products and/or farm equipment shall be allowed on lots with at least 80,000 square feet. The use of these structures shall be limited to those person(s) engaged in agricultural operations as defined by Section 12-91 of the Conn. General Statutes and recorded with the Town Assessor. \* EFFECTIVE AUGUST 1, 1987.

b. Special Accessory Uses and Structures

1. Permitted special accessory uses and structures. Special accessory uses and structures are permitted in the residence zones and on lots in non-residence zones on which permitted non-conforming residential uses are situated as set forth in Section 4 of these Regulations and shall be subject to such additional conditions as are set forth herein. Special accessory uses and structures shall include: customary home occupation, garage or carport and the parking of a commercial vehicle, the parking or storage of a boat, trailer or mobile home, guest house, bathing or swimming pool and bath house, roadside stand, the stabling of horses (and) the keeping and housing of livestock or poultry for domestic purposes on, and traditional professional medical/dental care facility. EFFECTIVE OCTOBER 11, 1992.
2. Conditions for special accessory uses and structures. In addition, the requirements for height, location and maximum land area for customary accessory uses and structures, special accessory uses and structures shall be subject to the following conditions:
  - a.) Customary home occupation. A customary home occupation shall be subject to the following provisions:
    1. A customary home occupation shall be carried on entirely within the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit.
    2. A customary home occupation shall be carried on by the inhabitants of such dwelling unit and shall involve the employment on the premises of only any member of the immediate family residing in such dwelling unit plus one person, full or part time, not residing in such dwelling unit.
    3. A customary home occupation shall be clearly incidental and secondary to the use of such dwelling unit and lot for residential purposes.
    4. A customary home occupation shall not change the residential character of such dwelling unit and lot.
    5. A customary home occupation, whether contained in a dwelling unit or in an accessory building, shall occupy and area not to exceed twenty-five percent (25%) of the gross floor area of such dwelling unit.
    6. A customary home occupation shall not offer, display or advertise any commodity or service for sale or rental on the premises.
    7. A customary home occupation shall not store any materials or products on the premises outside of the dwelling unit or the permitted accessory building in which it is located.
    8. A customary home occupation shall not create any objectionable noise, odor, vibrations or unsightly conditions.
    9. A customary home occupation shall not create a health or safety hazard.
    10. A customary home occupation shall not create interference with radio and television reception in the vicinity.

11. Signs associated with customary home occupation shall be limited to one identification sign per dwelling unit, such sign not to exceed for than two (2) square feet in area.
  12. The Building Official may, at his discretion, for good cause such as a non-customary use, potential excessive noise, storage of materials or parking, refers any question concerning a customary home occupation to the Town Plan and Zoning Commission for its review and recommendations. The Town Plan and Zoning Commission shall have thirty (30) days from its receipt of the application from the Building Official within which to forward its report of findings and recommendations to the Building Official. Said report of the Town Plan and Zoning Commission shall be advisory only, and the failure of the Town Plan and Zoning Commission to submit its report within the prescribed thirty (30) day period shall not prevent the Building Official from reaching a decision on the application for the customary home occupation after the prescribed thirty (30) day time period has expired .
- b.) Attached or detached garages and/or carports shall be a permitted use in accordance with the following standards:
1. Dwellings containing less than 4,500 sq. ft. of gross finished floor area (excluding basements) may have a maximum of 3 garages and/or carport bays, except that the Zoning Board of Appeals may, as a special exception, grant approval for 1 additional garage and/or carport.
  2. Dwellings containing more than 4,500 sq. ft. of gross finished floor area (excluding basements) may have a maximum of 4 garage and/or carport bays. AMENDED EFFECTIVE 6/12/2002
  3. A maximum of one commercial vehicle may be parked on the lot, provided such commercial vehicle shall have a maximum capacity of one and one-half (1 1/2) be parked and shall be parked in the garage, barn or the rear yard of the property.
- c.) Parking or storage of a boat, trailer or mobile home. A maximum of one (1) such vehicle may be parked or stored outside on the lot, provided such vehicle is parked in the rear yard and is owned or leased by the owner or permanent resident of the property on which such vehicle is parked. No such boat, trailer or mobile home shall be occupied for living, sleeping or cooking purposes or for carrying on business except as provided in Section 6.10 of these Regulations.
- d.) Guest House. A guest house shall require a special exception from the Zoning Board of Appeals in accordance with the provisions of Section 13 of these Regulations.
- e.) Boarding, rooming or lodging house. There shall be a combined total maximum of two (2) boarders, roomers or lodgers, whichever the case may be, except that more than two (2) such boarders, roomers or lodgers or any combination thereof may be permitted as a special exception from the Zoning Board of Appeals in accordance with the provisions of Section 13 of these Regulations.
- f.) Bathing or swimming pool and bath house. The pool and bath house, if any, shall be located in the rear yard, a minimum of fifteen (15) feet from any side or rear property line. In the case of a corner lot, the side yard abutting the street shall require a minimum yard depth of fifty (50) feet in CR Zone and forty (40) feet in RR, AAA, AA, and A zones. A bathing or swimming pool may be installed and maintained only after the

issuance of a proper permit by the Building Official subject to, any and all applicable codes or ordinances regarding safety, sanitation, drainage, and the like. AMENDED EFFECTIVE AUGUST 14, 1981.

- g.) Roadside stand. A temporary seasonal road side stand shall be used for the sale of produce or products grown or produced completely on the premises. Such stand shall have a maximum area of one hundred (100) square feet, shall be located a minimum distance of twenty (20) feet from any street and one hundred (100) feet from any street or road intersection. Such roadside stand shall not be a structure and shall also abide by the side yard requirements for a principal building for the zone in which it is located and shall be removed within ten (10) days after its use is discontinued for that particular year.
  
- h.) Non-Commercial stabling of horses. The non-commercial stabling of horses shall require a special exception from the Zoning Board of Appeals in accordance with the provisions of Section 13 of these Regulations. In addition, such stabling of horses shall meet the following conditions:
  - 1. The portion of the lot or parcel upon which any horse or horses are stabled, pastured or exercised shall have a minimum area of two (2) acres in addition to the minimum lot area required for the dwelling on the lot or parcel.
  - 2. Such portion of the lot or parcel shall contain one (1) additional acre for each horse being stabled, pastured or exercised after the first two (2) horses.
  - 3. If any horse or horses are kept on the premises, an appropriate building shall be provided for the stabling of such horse or horses. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all stable cleanings shall be confined.
  - 4. All buildings and structures for the stabling and exercising of horses shall be located at a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property line and, in addition, one hundred (100) feet from any dwelling located on an adjacent property. AMENDED EFFECTIVE APRIL 23, 1974.
  
- i.) Keeping of livestock or poultry for domestic purposes only. If any livestock or poultry are kept on the premises, the following conditions shall be met:
  - 1. The portion of the lot or parcel upon which livestock are kept or pastured shall have a minimum area of two (2) acres in addition to the minimum lot area required for the dwelling on the lot or parcel.
  - 2. Such portion of the lot or parcel shall contain one (1) additional acre or each livestock kept or pastured after the first two (2) livestock.
  - 3. If any livestock or poultry are kept on the premises, an appropriate building shall be provided for the keeping of such livestock or poultry. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all clearing shall be confined.
  - 4. All areas, buildings and structures for the keeping, housing and pasturing of livestock or poultry shall be located a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property line and, in addition, one hundred (100) feet from any dwelling located on an adjacent property.

- j.) Traditional professional medical/dental care facility. A traditional professional medical/dental care facility shall be subject to the following provisions:

Said facility shall be operated in accordance with 7.1.b.2 (a) by the inhabitant of such dwelling who shall be a properly licensed medical/dental practitioner. In the event that the facility shall employ a greater number of non-residents than permitted under 7.1.b.2.(a)(2), then such increased personnel shall be permitted only after the issuance of a Special Permit in accordance with Section 12 of the Building-Zone Regulations.

In addition to the standards of Section 12.4, the applicant shall satisfy all of the applicable standards of 7.1...2.(a) in order to secure said Special Permit. EFFECTIVE OCTOBER 11, 1992.

- k.) Storage Containers EFFECTIVE MARCH 15, 2003

The use or installation of storage containers shall not be permitted within the Town of Glastonbury except those storage containers that meet one of the following standards:

- are duly registered and being actively used for the transit of goods on public highways and are located only on a commercial or industrial property
- are being used for solid waste disposal or recycling and are located only on a commercial or industrial property
- are located on properties in the Planned Industrial Zone that provide contract construction services
- are located on properties in Planned Industrial Zone that retail or wholesale farm products that are harvested (straw, hay, or like products, etc.)
- are located on properties that have an active construction or reconstruction project and only during the term of such construction
- are located on bona fide farms that are regulated by Sections 7.2.a and 7.2.b of these regulations
- are located adjacent to Town-owned athletic fields and are utilized for the storage of athletic equipment

Any storage containers that do not meet one of the above-listed standards shall be permanently removed from the subject property not later than 7 years following adoption of this regulation. In order to maintain a storage container as a legal nonconforming use during this phase-out period, a registration form shall be completed at the Town Building Official's Office no later than 90 days following adoption of this regulation. Any storage containers not registered within this time frame shall be deemed in violation of this regulation and shall be subject to enforcement action by the Town.

For the purposes of this regulation, a storage container is defined as a portable enclosure that is mounted, or can be mounted on wheels or can be transported over a public highway that is utilized for the storage of goods only.

## 7.2 Accessory Uses & Structures Associated With Principal Farming Uses In Any Zone.

- a. Permitted Accessory Uses and Structures. Farm markets, buildings or structures used for the storing, processing and manufacturing of agriculture and forestry products produced on the farm, necessary motor vehicles and equipment used on the farm, and the buildings or structures used for the storage of such vehicles and equipment, and buildings used for the housing of farm animals and poultry.



- b. Location. All buildings and structures containing livestock of poultry shall be located a minimum distance of one hundred (100) feet from any street line or the property line of any property under separate ownership. All other accessory buildings and structures associated with the principal farming uses shall conform to the required side, rear and front yards for that zone. AMENDED EFFECTIVE JUNE 13, 1975.
- c. Farm Market. The intent of this section shall be to continue and promote the orderly growth of farming in Glastonbury in accordance with Section 12 of these Regulations. Farm markets shall be located on the premises of a farm. They shall be located a minimum distance of twenty-five (25) feet from any street line and one hundred (100) feet from any street or road intersection. Such farm market shall also meet the side yard requirements for a principal building for the zone in which it is located. Any enlargement or alteration of an existing farm market shall be deemed a minor change as defined in Section 12.9. New farm markets shall be subject to Section 12 of this Regulation and shall sell only perishable items (such as fruits and vegetables) some of which must be grown on the premises of the farm. The addition of non-perishables to a new farm market shall be subject to Special Permit in accordance with Section 12.9 of these Regulations.

Farm markets registered with the Office of Community Development (as of June 30, 1981) shall be considered conforming uses as shown and defined in the application form approved by the Town Plan and Zoning Commission as a Special Permit. AMENDED EFFECTIVE MAY 30, 1981.

### **7.3 Accessory Uses And Structures Associated With Excavation Operation In Any Zone**

Any accessory use or structure associated with excavation operation in any zone shall abide by the conditions set forth in Section 6.2 of these Regulations.

### **7.4 Principal Non-Residential Uses, Except Excavation Operations, In Residence Zone**

Any accessory use or structure associated with any principal non-residential uses in the residence zone (excepting excavation operations) shall abide at a minimum by the requirements set forth in this Section 7 for residential accessory uses and structures and, in addition, to any other conditions which may be required in their review of the principal use by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be, because of the nature of such accessory use or structure and the principal use with which it is associated.

### **7.5 Non-Residence Zones**

Any accessory use or structure associated with any principal use in the non-residence zones shall be subject to such conditions as may be required in their review of the principal use by the Town Plan and Zoning Commission or the Zoning Board of Appeals, whichever the case may be, because of the nature of such accessory use or structure and the principal use with which it is associated.

### **7.6 Attached Accessory Building Or Structure**

Any accessory building or structure attached or connected to the principal building by walls or roofs shall be considered a part of such principal building and shall abide by the provisions for principal buildings for the zone in which it is located.

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## **7.7 Height Of Accessory Building Or Structure**

Any accessory building or structure, except as provided in Section 3.5 of these Regulations, exceeding a height of fifteen (15) feet shall be considered as a principal building or structure and shall abide by the provisions for principal buildings for the zone in which it is located.

## **7.8 Accessory Fences And Walls**

Accessory fences and walls used as fences with a maximum height of four (4) feet or less, shall be exempt from the provisions of this Section 7 except as may be otherwise required by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be.

## **7.9 Review And Approval**

Whenever a principal use or structure is subject to the review and approval of the Town Council, the Town Plan and Zoning Commission or the Zoning Board of Appeals, whichever the case may be, any accessory use or structure associated with such principal use or structure shall be subject to the same review and approval.

## **7.10 Use**

No accessory building or structure shall be used for residential, living or cooking purpose except as provided in these Regulations.

## **7.11 Agribusiness – Special Permit**

### **a. Purpose:**

The Town of Glastonbury recognizes that the preservation and support of the limited amount of agricultural lands and business is important to the Town, the State and the Nation, and is also necessary for the provision of adequate, healthful and nutritious foods for present and future citizens. It is also recognized that the survival and process of development of agricultural operations usually requires that several farms be operated or managed as one, and thus the farming activities on one property may be directed from a central office located on another. Therefore, it is the purpose of this regulation to permit the Town Plan and Zoning Commission to grant a Special Permit with Design Review for the construction of, addition to and/or renovation of non-farm buildings on properties where a farm operation is a permitted use under these Regulations.

b. Standards:

The construction of, addition to and/or renovation of non-farm buildings shall be subject to a Special Permit with Design Review in accordance with the criteria established by Section 12 of these Regulations. Non-farm buildings shall include all customary accessory buildings for hatching, breeding, rearing and keeping of poultry/animals; research and development activities related thereto; office and similar uses related to the farm operation; and storage and maintenance of equipment.

Buildings shall meet the yard requirements for a principal building for the zone it is located within and lots shall contain a minimum of fifty (50) acres. Buildings shall not cover more than twenty-five percent (25%) of the property.

c. Duration:

A special permit granted under this Section 7.11 shall be valid only for so long as the use permitted thereby remains related and accessory to an existing farm operation being conducted on the same parcel.

d. Separability:

This regulation shall not supersede or replace the farm-related portions of the existing regulations; and the expansion of farming as presently controlled shall continue under the existing regulations. All farm expansion purely limited to farm operations occurring on said farm shall continue to be a permitted use under existing regulations. EFFECTIVE DATE MAY 8, 1989.

## SECTION 8

### NONCONFORMING USES, BUILDINGS OR STRUCTURES

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#### 8.1 Nonconforming Uses

- a. Any nonconforming use lawfully existing as of the effective date of these Regulations or any amendment thereof shall be permitted to continue notwithstanding any other provision of these Regulations or any amendment hereof.
- b. Change: A nonconforming use may be changed only to a conforming use. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a use, which does not conform to these Regulations.
- c. Extension or Enlargement: No nonconforming use shall be extended or enlarged inside or outside a building or structure unless as otherwise provided herein. AMENDED EFFECTIVE JUNE 13, 1975.
- d. Moving: No nonconforming use of a building or structure may be moved to any part of the parcel of land upon which the use was conducted.
- e. Alterations and Repairs: A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by wear and tear or deterioration.
- f. Restoration: Any building or structure containing a nonconforming use, which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area and cubic volume existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months of such damage or destruction.
- g. Discontinuance or Abandonment: Any nonconforming use of land, building or structure which has ceased by voluntary discontinuance or abandonment for a period of six (6) months shall thereafter conform to the provisions of these Regulations. Voluntary discontinuance or abandonment shall be determined on the basis of objective evidence rather than subjective evidence.

#### 8.2 Nonconforming Buildings Or Structures

- a. Any nonconforming building or structure lawfully existing as of the effective date of these Regulations or any amendment thereof shall be permitted to continue notwithstanding any other provisions of these Regulations or any amendment hereof.
- b. Extension of Enlargement: No extension or enlargement of any nonconforming building or structure which increases the nonconformity of such building or structure shall be made, except that a nonconforming building or structure containing a permitted use may be extended or enlarged within the applicable yard requirements or, with the approval of the Zoning Board of Appeals after considering the criteria of Section 13.9 of these Regulations within as line which is not nearer to the lot lines than the existing building, provided such extension or enlargement provides for a permitted use containing no more dwelling units than the existing building.
- c. Restoration: Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area, cubic volume,

density, bulk and site location existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months after such damage or destruction.

### **8.3 Illegal Use**

Nothing in these Regulations, including the provisions of this Section 8 shall be interpreted as authorization for or approval of the continuation of the use of land, buildings, structures or premises in violation of the zoning regulations in effect up to the effective date of these Regulations or any amendment hereof.

### **8.4 Safety**

Nothing in these Regulations, including the provisions of this Section 8, shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

### **8.5 Construction Begun And/Or Permits, Special Exceptions Or Variances Issues Prior To Adoption Or Amendment Or Regulations Or Zone Change**

Nothing in these Regulations or any amendment hereof or in any subsequent change in zoning classification shall be deemed to require any change in the plans, construction or designated use of a building, structure, or premises for which a building permit has been issued on the effective date of these Regulations or such amendment or change in zoning classification and the substantial construction of which shall have been commenced and which entire building or structure shall have been completed within two (2) years from such effective date.

Nothing in these Regulations shall be deemed to require any change in the plans, construction or designated use of a building, structure or premises for which a special permit, special exception or variance has been issued by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be, prior to the effective date of these Regulations or any amendment hereto or subsequent change in zoning classification, provided a building permit shall be obtained from the Building Official within one (1) year from such effective date and substantial construction of which shall have been commenced within one (1) year of the date of issuance of such building permit, and which entire building or structure shall be completed according to the approved plans within two (2) years from the date of issuance of said building permit; if any of said provisions are not complied with, such special permit, special exception or variance shall become null and void.

## SECTION 9 OFF-STREET PARKING AND OFF-STREET LOADING

REVISED JULY 22, 2002

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- 9.1 General provisions for off-street parking and off-street loading
- 9.2 Location of off-street parking spaces
- 9.3 Development and maintenance of off-street parking areas or facilities
- 9.4 Collective provisions
- 9.5 Mixed occupancies and uses
- 9.6 Joint use of off-street parking spaces
- 9.7 Continuing character of obligation
- 9.8 Deferral of parking spaces
- 9.9 Floor area defined
- 9.10 Application of off-street parking standards
- 9.11 Off-street parking standards
- 9.12 Off-street loading requirements

## SECTION 9 OFF-STREET PARKING AND OFF-STREET LOADING

### 9.1 General Provisions For Off-Street Parking And Off-Street Loading

The off-street parking and off-street loading requirements set forth in this section shall be required for all uses established and all buildings and/or structures erected after October 22, 1973 and for all uses, buildings, or structures existing on October 22, 1973 which uses, building or structures are enlarged or altered in accordance with a Special Permit with Design Review.

Every parcel used in whole or in part for off-street parking and/or off-street loading purposes, whether or not required by these Regulations shall, for that portion used for off-street parking and/or off-street loading purposes, be developed, maintained and used in accordance with the provisions set forth in this section.

- a. For the purposes of this Section, an off-street parking space shall have a properly paved area of not less than nine (9) feet by eighteen (18) feet (the width to be measured from the center of the dividing line between adjacent spaces).
- b. Each maneuvering lane shall be provided adequate ingress and egress by means of an access lane or lanes, each access lane to have a minimum paved width of twenty-two (22) feet for two-way traffic movement and eleven (11) feet for one-way traffic movement.
- c. Adequate ingress and egress to an off-street parking area or facility by means of clearly limited and defined drives shall be provided for all vehicles.
- d. Separate pedestrian walkways and/or means of pedestrian ingress and egress to the parking area or facility may be required by the Town Plan and Zoning Commission in appropriate instances because of the size, layout or location of the parking area or facility.
- e. Appropriate landscaping may be required by the Town Plan and Zoning Commission because of the size, layout or location of the parking area or facility.
- f. Unless otherwise specifically permitted by the Town Plan and Zoning Commission, off-street parking spaces shall not occupy any part of any required front yard, but open off-street parking spaces may be included as a part of the required open space for a rear yard or a side yard, provided such parking spaces do not occupy any part of any required usable open space as set forth in these Regulations.
- g. On corner or through lots, off-street parking spaces shall not be included as part of the required yards located adjacent to either street, unless specifically permitted by the Town Plan and Zoning Commission.
- h. There shall be no parking of any vehicles on a lot between any established building line and the street line in any zone, unless specifically permitted by the Town Plan and Zoning Commission.
- i. Off-Street loading space, as required in Section 9.12 of these Regulations, shall not be construed as supplying any required off-street parking space.
- j. The Town Plan and Zoning Commission may approve smaller parking spaces designated specifically for compact vehicles as part of a Special Permit with Design Review.

## 9.2 Location Of Off-Street Parking Spaces

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All off-street parking spaces required by these Regulations shall be located on the same lot as the use with which such parking spaces are associated, except as may otherwise be permitted by the Town Plan and Zoning Commission as part of an approved Plan of Development.

## 9.3 Development And Maintenance Of Off-Street Parking Areas Or Facilities

Every parcel used in whole or in part for off-street parking or loading purposes, whether or not required by these Regulations, shall, for that portion used for off-street parking or loading purposes, be developed and maintained by the owner of said premises in accordance with the following requirements:

- a. **Screening and Landscaping:** Any landscaping required herein shall be integrated with any other landscaping required or provided for other portions of the parking area or facility. All landscaping, whether required or not by these Regulations, shall be properly installed and maintained on a year-round basis.
- b. **Surfacing and Drainage of Off-Street Parking Area or Facility:** Any off-street parking or loading area of facility for more than three (3) vehicles, whether or not required by these Regulations, shall be surfaced, exclusive of landscaped areas but including any pedestrian walkways which may be required or provided, with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall also be graded and drained as to dispose of all surface water accumulation within the area of facility. No surface water from any off-street parking or loading area or facility shall be permitted to drain onto adjoining property lines unless specifically approved by the Town Plan and Zoning Commission and the Town Engineer. The above surfacing standard may be waived with a showing of sufficient cause by action of the Town Plan and Zoning Commission for recreational uses and Town parks.
- c. **Lighting of Off-Street Parking or Loading Areas or Facilities:** The Town Plan and Zoning Commission may require that an off-street parking or loading area or facility be properly lighted because of its size, layout, location or the particular use served by the off-street parking or loading area or facility. Any lighting used to illuminate any off-street parking or loading area or facility shall be so arranged as to reflect the light away from any adjoining premises. Any lighting required or provided shall be compatible with the rest of the development and landscaping of the off-street parking area or facility.

## 9.4 Collective Provision

Nothing in these Regulations shall be construed to prevent the collective provision of off-street parking areas or facilities for two or more structures or uses, provided the total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various structures or uses computed separately, except as may otherwise be permitted in Section 9.6 of these Regulations concerning the joint use of off-street parking spaces.

## 9.5 Mixed Occupancies And Uses

In the case of structures or developments containing a mix of uses (e.g., multi-purpose buildings, shopping centers, colleges, etc.) the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. Off-street parking spaces for one use shall not be considered as providing the required off-street parking spaces for any other use except as may be permitted in Section 9.6 below concerning the joint use of off-street parking spaces. If a change of use occurs within an existing structure or tenant space, with no additions or enlargements, (with the exception of medical offices/clinics and hair/body salons), no additional parking for the new use shall be required.



#### 9.6 Joint Use Of Off-Street Parking Spaces

Specific and appropriate joint use off-street parking spaces may be permitted by the Town Plan and Zoning Commission in response to a particular development situation. The Commission may grant such approval only after it has received a written agreement between the use parties that clearly stipulating the terms of the joint use of the parking spaces and that such spaces are committed and available to the respective users on a non-conflicting basis. A maximum of 30% of the minimum required parking spaces may be waived by the Town Plan and Zoning Commission on sites where pedestrian customer traffic is anticipated. This provision shall apply only to retail or food services uses.

#### 9.7 Continuing Character Of Obligation

The requirement for the provisions of off-street parking spaces and off-street loading spaces shall be the continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence and its requirement for off-street parking and/or off-street loading spaces continues. It shall be unlawful for an owner of any structure or use affected by these parking regulations to discontinue, change or dispense with, or to cause the discontinuance or change of the required off-street parking and/or loading spaces apart from the provision of alternative off-street parking and/or loading spaces which meet the requirements of and are in compliance with these Regulations.

#### 9.8 Deferral Of Parking Spaces

The Town Plan and Zoning Commission, as part of a Special Permit with Design Review, may defer the installation of a portion of the off-street parking spaces required by these regulations in conjunction with retail projects having a minimum parking requirement of 200 or more spaces. Parking space deferral shall be in accordance with the following standards:

- a. The total number of parking spaces required shall first be determined in accordance with Section 9.11 of these regulations.
- b. The total number of deferred parking spaces shall not exceed 20% of the number of spaces determined by Section 9.8(a).
- c. All deferred parking spaces shall be labeled on the site plan as "deferred parking spaces." The parking spaces shall be fully designed and permitted by any other necessary authority in order for said spaces to be immediately constructed if determined necessary by the Commission. The areas designated for possible future parking shall be left in their natural state or landscaped as directed by the Town Plan and Zoning Commission.
- d. Deferred parking spaces may be constructed upon approval by the Town Plan and Zoning Commission as a Section 12.9 minor change. Documentation supporting the need for the additional spaces shall be submitted to the Commission as part of the Section 12.9 application.

#### 9.9 Floor Area Defined

For the purpose of the off-street parking and loading requirements and standards, "floor area" in the case of office uses, service uses, retail trade uses, and culture, entertainment and recreational uses, shall mean the gross floor area used, designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the display and/or sale of merchandise. "Floor area" shall not include areas used principally for non-public purposes such as storage and incidental repair, for rest rooms, for utilities, or for required stairways or elevators.

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## 9.10 Application Of Off-Street Parking Standards

The off-street parking requirement for structures and/or uses shall be determined by applying one or more of the appropriate standards to each structure and/or use as set forth in Section 9.11 below. For convenience, the letters found in the parking column PKG of the Table of Permitted Uses (Section 5) across from the listed uses indicate which of the parking standards apply to said listed uses.

### 9.11 Off-Street Parking Standards

The following off-street parking standards are minimum requirements for off-street parking and the Town Plan and Zoning Commission may require additional off-street parking for a particular development based on the nature of the development, its location, access and relation to surrounding development, and any unique parking demand which may be associated with such a development.

NOTE: letters in parenthesis ( ) key to letters in the parking column PKG of the Table of Permitted Uses.

- a. Customary home occupation: One (1) parking space for each employee plus two (2) parking spaces, such parking spaces to be in addition to any required off-street parking for residential purposes.
- b. Dwellings, guest house, boarding, rooming or lodging house: One (1) parking space for each dwelling unit guest unit, boarding unit, rooming unit or lodging unit.
- c. Convalescent, nursing or rest home or sanitarium, or religious quarters: One (1) parking space for each two (2) beds.
- d. Hotel, motel, inn, tourist home: One (1) parking space for each guest room or residence unit, plus required parking for any restaurant, assembly space or other non-residential use located within the development.
- e. Office, general and/or professional (except medical offices, medical clinics and hospitals), business services, finance, insurance and real estate services, government services, personal services (except hair and body salons), broadcasting studios, message center: One (1) parking space for each two hundred (200) square feet of gross building floor area.

Medical offices and medical clinics and hair/body salons: One (1) parking space for each one hundred and fifty (150) square feet of gross building floor area.

Hospitals: One (1) parking space for each bed.

- f. Educational Services\*:

Day care center: One (1) parking space for each three hundred (300) square feet of gross building floor area.

Schools – public, private parochial:

Elementary: Two (2) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space located within the development.

Middle: Three (3) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space located within the development.

Secondary: Six (6) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space located within the development.

University, college, junior college and professional education: Ten (10) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space located within the development.

\*The Town Plan and Zoning Commission may approve modifications to the parking requirements for all educational services on a site specific basis following submittal of supportive documentation and determination of just cause.

- g. Repair/gasoline services – Motor vehicle general and limited repair, motor vehicle gasoline with repair service component: Five (5) parking spaces plus two (2) parking spaces for each service stall plus two (2) parking spaces for each gas pump. For gasoline stations without a repair component, two (2) parking spaces for each gas pump and one (1) parking space for each 150 square feet of gross building floor area used for retail trade. In addition, if any motor vehicles are offered for sale or for rent on the premises, and individual parking space shall be provided for each such motor vehicle offered for sale or for rent.

Ambulance services, motor vehicle car wash, bus garaging and equipment maintenance: One (1) parking space for each parking, washing or service stall, whichever the case may be.

- h. Clubs, athletic club: One (1) parking space for each one hundred (100) square feet of gross building floor area.

- i. Place of worship: One (1) parking space for each four (4) seats.

- j. Retail trade uses:

Retail trade, except eating and drinking: One (1) parking space for each one hundred fifty (150) square feet of gross building floor area.

Retail trade, eating and drinking: One (1) parking space for every three (3) seats table seating and one (1) space for every two (2) seats counter seating.

- k. Wholesale trade and warehousing: One (1) parking space for each twenty-five hundred (2,500) square feet of gross building floor area used for wholesaling and/or storage purposes, plus one (1) parking space for each two hundred fifty (250) square feet of gross finished office space.

- l. Manufacturing uses: One (1) parking space for each five hundred (500) square feet of gross building floor area used for manufacturing purposes; one (1) parking space for each twenty-five hundred (2,500) square feet for storage purposes, plus one (1) parking space for each two hundred fifty (250) square feet of gross finished office space.

- m. Billiard and pool hall, golf course, golf driving range, golf miniature, archery range, bowling, firing range, marina, riding stable, tennis courts, bus passenger terminal, motor freight transportation terminal and garage: Two (2) parking spaces for each pool table, driving tee, golf hole, alley, lane, port, berthing and/or mooring space, stable, court, dock or other unit of activity, whichever the case may be.

- n. Library, museum or planetarium: One (1) parking space for each six hundred (600) square feet of gross building floor area.

- o. Auditorium or coliseum, legitimate and/or motion picture theater: One (1) parking space for each three (3) seats.
- p. Agriculture, farm, earth products, forestry production, customary accessory uses, supervised group quarters, cemetery, community center, ice skating and/or roller skating rink, contract construction services, dog kennel, veterinarian service, bazaars, festivals, carnivals and circus, historic and monument sites, parks, "public buildings/facilities (excluding schools)", nonprofit recreation uses, aircraft landing field, transmitting exchange, receiving or relay tower and/or stations, transportation center, utilities: The Town Plan and Zoning Commission or the Zoning Board of Appeals, whichever the case may be, shall determine which, if any, of the foregoing parking requirements or which combination of the foregoing parking requirements, if any, shall apply.

#### 9.12 Off-Street Loading Requirements

On the same premises with every building structure or part thereof erected or occupied for a use or uses to involve the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services in order to avoid interference with the use streets and alleys (if any) and without encroachment on any off-street parking area.

Such off-street loading and unloading space, unless otherwise adequately provided for, as determined by the Town Plan and Zoning Commission, shall be an area not less than ten (10) feet by fifty (50) feet with fifteen (15) foot height clearance.

A minimum of one (1) off-street loading and unloading space shall be required for each ten thousand (10,000) square feet of gross building floor area. Additional off-street loading and unloading spaces may be required by the Town Plan and Zoning Commission because of building volume, location or particular use nature of the development under consideration.

Off-street loading and unloading spaces, together with appropriate access drives, shall be developed and maintained in accordance with the provisions of Section 9.3 of these Regulations.

**SECTION 10**  
**UNIFIED SIGN REGULATIONS**

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- 10.1 Purpose
- 10.2 Sign Installation and General Location Standards
- 10.3A No Sign Permit Required
- 10.3B Temporary Sign Permit Required
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- 10.6 Definitions
- 10.7 Town Plan and Zoning Commission Referral

ADOPTED: JUNE 13, 2000

EFFECTIVE: JULY 3, 2000

AMENDED: APRIL 14, 2004

## SECTION 10 UNIFIED SIGN REGULATIONS

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### 10.1 Purpose

To provide a system for the management of signage by establishing regulations to control the size, location, height, number and illumination of signs.

### 10.2 Sign Installation And General Location Standards

All signs shall be categorized and regulated in accordance with the following:

- No Sign Permit Required
- Temporary Sign Permit Required
- Permanent Sign Permit Required

and signage shall be permitted in the zoning districts set forth below and subject to specific standards established by these Regulations.

1. Business signs are permitted only in the PBD, PT, PI, CD, Flood, **PE and PC Zones** **EFFECTIVE 04-14-04**, except bona fide home occupation signs which are permitted in each and every zone.
2. Directional signs are permitted in each and every zone.
3. Identification signs are permitted in each and every zone.
4. No trespassing signs and/or signs indicating the private nature of a driveway and/or premises are permitted in each and every zone.
5. Temporary signs are permitted in each and every zone.
6. Overhanging signs are permitted in each and every zone.
7. Ground signs are permitted in each and every zone.
8. Wall signs larger than 2 square feet or permitted only in the PBD, PT, PI, CD, Flood, **PE and PC Zones** **EFFECTIVE 04-14-04**.
9. Non-illuminated signs are permitted in each and every zone.
10. Direct illumination signs are permitted only in the PBD, PT, PI, CD, Flood, **PE and PC Zones** **EFFECTIVE 04-14-04**.
11. Indirect illumination signs are permitted in each and every zone.

12. Flashing signs shall not be permitted in any zone, except signs indicating time and/or temperature by means of intermittent lighting are permitted in the PBD, PT, PI, CD, Flood, **PE and PC Zones** **EFFECTIVE 04-14-04**.
13. Any sign located in a designated Historic District shall, in addition to the provisions of Section 10, obtain any necessary approvals from the Historic District Commission.

10.3 Sign Permit

a. No Sign Permit Required

The following signs are permitted to be installed and maintained without a permit, subject to compliance with the following specified standards.

<u>Sign Type/Illumination</u>	<u>Max. Signage Size</u>	<u>Maximum Height (above grade)</u>	<u>Location</u>	<u>Max. #</u>
1. Real Estate "FOR SALE" or "FOR RENT" for residential properties Non-illuminated	9 sq. ft.	6'	On premises, within 15' of the front property line	1
2. Real Estate "FOR SALE" or "FOR RENT" for commercial/industrial properties Non-illuminated	16 sq. ft.	7'	On premises within 15' of the front property line	1
3. Identification/customary home occupation (in residential zones) name and profession only Non-illuminated or indirect illumination	2 sq. ft.	6'	On premises	1
4. Identification/resident name(s) and for dwelling dwelling unit numbers Non-illuminated or indirect illumination	2 sq. ft.	6'	On premises	1
5. On-site directional signs within commercial/industrial/multi-family attached housing developments. Non-illuminated	3 sq. ft.	4'	On premises	As required
6. Agricultural, seasonal farm products grown and sold on farm Non-illuminated	16 sq. ft.	6'	On premises, all multiple products to be posted on the same sign face or uniform "ladder" configuration	1
7. Off-site directional signs containing the name of an agricultural or other permitted business in a residential zone (excluding home occupations) Non-illuminated	2 sq. ft.	6'	Street intersection and/or premises entrance	3
8. Off-site directional signs containing the name of a public religious, or service organization in any zone Non-illuminated	2 sq. ft.	6'	Street intersection and/or premises entrance	2



9. <u>Interior glass mounted sign within retail, business service, restaurant uses only.</u> Direct illumination or non-illuminated	Not more than 25% of the glass area of any window in the front of the building, nor more than 50 sq. ft. per tenant space, whichever is less. No single non-illuminated sign shall exceed 12 sq. ft., and the total area of direct illumination signs shall not exceed 8 sq. ft.				N/A
10. <u>No trespassing/private drive signs</u> Non-Illuminated	2 sq. ft.	N/A	As required		1/200' of lineal feet of property boundary 1/premise
11. <u>Historical Markers - historical organization or government agency</u> Non-illuminated	8 sq. ft.	N/A	As required		
12. <u>Residential tag sales</u> 48 hours maximum time Non-illuminated	6 sq. ft.	6'	On premises		2
13. <u>Non-profit special event (public, political, charitable, religious) (21 days prior to the event - with removal 7 days following</u> Non-illuminated	20 sq. ft.	6'	On premises, within 15' of the front property line		1
14. <u>Overhanging identification sign</u> Indirect or non-illuminated	2 sq. ft.	8'	As required		1 for each use/property
15. Replacement signage of the same type, shape, illumination, size, height and location as the sign to be replaced/removed shall not be considered a new sign and, therefore, shall not require a permit from the Town Plan and Zoning Commission.					

All "No Sign Permit Required" signs shall not be included in the calculation of "Permanent Sign Permit Required" signs.

b. Temporary Sign Permit Required

The following signs are permitted to be installed and maintained following the issuance of a temporary sign permit by the Community Development Department, Building Division, subject to compliance with the following specified standards.

<u>Sign Type/Illumination</u>	<u>Max. Signage Size</u>	<u>Maximum Height (above grade)</u>	<u>Location</u>	<u>Max. #</u>
1. <u>Commercial Construction Project (limited to construction period)</u> Non-illuminated	20 sq. ft.	6'	On premises, within 15' of the front property line	1
2. <u>Residential Construction Project (1 year with add'l extensions)</u> Non-illuminated	20 sq. ft.	7'	On premises within 15' of the front property line	1

c. Permanent Sign Permit Required

The following signs are permitted to be installed and maintained following the issuance of a permanent sign permit from the Community Development Department, subject to compliance with specified standards.

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**Single Building Parcels - Single Business Use**

Business signs on parcels within the PBD, CD, PT, PI, Flood, PE and PC Zones **EFFECTIVE 04-14-04**, containing one building with one business use shall be regulated as follows:

Wall and/or ground signs are permitted in accordance with the following standards:

- The maximum area (sq. ft.) of wall and/or ground signs shall be determined by converting the length (ft.) of the building wall containing the main entry to the equivalent area (sq. ft.). (For example, a building wall length of 30 ft. converts to a maximum total sign area of 30 sq. ft.). However, regardless of the building wall length, the maximum total area of signage regulated by this section shall not exceed 55 sq. ft.; with no single wall sign larger than 25 sq. ft. and no ground sign larger than 30 sq. ft. Lettering on window or door awnings shall also be considered wall signs if utilized in accordance with the above standards.
- Additionally, fuel service station canopies may also contain wall signage on the canopy fascia in accordance with the following. A maximum of two canopy signs may be located on the fascia with a total sign area not to exceed 10% of the area of the longest side of the canopy fascia. No one canopy sign may be larger than 20 sq. ft.
- Not more than two types of permitted signs and a total maximum of three signs regulated by this section shall be allowed on a parcel, with the exception of fuel service stations which may have not more than three wall signs and one ground sign.

**Installation Protocol**

<u>Sign Type</u>	<u>Location</u>	<u>Height</u>	<u>Illumination</u>
Wall includes awning letters	Front or side wall	Not higher than the lower sill of any 2nd story window or 15' from the ground to the top of sign, whichever is less	Direct, indirect, or none - wall  indirect or none - awning
Ground	Front yard	Not higher than 10' from the ground to the top of sign	Direct, indirect, or none

The Town Plan and Zoning Commission, as part of the approval of a Section 12 Special Permit with Design Review, may require modifications to the permitted size, location, height and number related to a sign or group of signs.

**Single or Multiple Building Parcels - Multiple Business Uses**

Business signs on parcels with in the PBD, CD, PT, PI, Flood, PE and PC Zones EFFECTIVE 04-14-04, containing one or more building (s) and/or with multiple business uses shall be regulated as follows:

Wall and/or ground signs are permitted in accordance with the following standards:

- Each business use located on the first floor shall be permitted to locate one wall sign on the building wall that contains the main entry to the business use. Businesses located on the building corners may also locate a wall sign on the side wall. The maximum area (sq. ft.) of wall signs shall proportionately relate to the wall length associated with the main entry side of the individual business by a factor of .8. (for example, a business use with an entrance wall length of 30 ft. converts to a maximum wall sign area of 24 sq. ft. - 30 ft. x .8 = 24 sq. ft. sign area). Wall signs for each business use in a multi-business building shall be designed to reflect a coordinated theme for the entire building. Accordingly, each wall sign shall be uniform in type, height, wall placement and illumination. (The total length of signs may vary). The maximum sign area of any wall sign regulated by this Section shall be 25 sq. ft. Lettering on window or door awnings shall also be considered wall signs if utilized in accordance with the above standards.
- One ground sign shall also be permitted on properties containing one or more buildings and/or with multiple business uses. The maximum area of said ground sign shall be a function of the number of business uses located on the property as follows: up to 3 businesses shall convert to 24 sq. Ft. and 4 or more businesses shall convert to 32 sq. ft. The property owner shall be responsible for the submission of plans the equitably distribute the available space on any ground sign.

Multiple business buildings that contain uses that share entries or utilize upper floor business spaces are strongly encouraged to utilize ground signs.

**Installation Protocol**

<u>Sign Type</u>	<u>Location</u>	<u>Height</u>	<u>Illumination</u>
Wall includes awning letters	Front or side wall	Not higher than the lower sill of any 2nd story window or 15' from the ground to the top of sign, whichever is less	Direct, indirect, or none - wall  Indirect or none - awning
Ground	Front yard, or within 25 feet of a driveway if the sign is a tenant <u>directory sign</u>	Not higher than 10' from the ground to the top of sign	Direct, indirect, or none

The Town Plan and Zoning Commission, as part of the approval of a Section 12 Special Permit with Design Review, may require modifications to the permitted size, location, height and number related to a sign or group of signs.

**Identification Signs Larger than two sq. ft. in all zones**

Ground signs are permitted in accordance with the following standards:

<u>Sign Type/Illumination</u>	<u>Max. Signage Size</u>	<u>Maximum Height (above grade)</u>	<u>Location</u>	<u>Max. #</u>
<u>Farm</u> Indirect illumination or non-illuminated	16 sq. ft.	6'	On premises	1
<u>Charitable, religious, government or educational</u> Indirect illumination or non-illuminated	16 sq. ft.	6'	On premises	2 (if site has multiple driveways)
<u>Residential development project (i.e., subdivision or apartment - entrance sign)</u> Indirect illumination or non-illuminated	20 sq. ft.	6'	On premises	

10.4 General Specifications

- a. No sign shall display intermittent lights resembling flashing lights customarily used in traffic signals or those used by police, fire, ambulance, or other emergency vehicles nor shall any sign use the word "stop," "danger," or any other word, phrase, symbol or character that might be misconstrued to be a public safety warning or official traffic control sign, not shall any beam or beacon of light resembling any emergency vehicle or facility be permitted to be erected as part of any sign or sign display.
- b. Illuminated signs shall be so shielded as not to cast direct light into or onto any adjoining property or building or into or onto any public right-of-way.
- c. No streamers or banners or other such sign devices shall be permitted with the exception of municipally sanctioned seasonal banners which may be installed within road rights-of-way following approval by the Town Plan and Zoning Commission.
- d. No sign shall be erected within or overhang public rights-of-way, except that the Building Official may permit exceptions if the sign is installed behind the sidewalk or area where sidewalks would normally be built, and the sign does not overhang the traveled portion of the right-of-way.
- e. No sign shall be installed at an intersection so as to interfere with safe sight lines, within the area of a triangle measured 25' along the street line, outward from the intersection of the street line.
- f. Signs painted on a building shall be repainted when required to be kept in good condition and shall be removed or painted out by order of the Town Building Official if not so maintained.
- g. No signs shall be permitted to obstruct any door, fire exit, stairway, or opening intended to provide ingress or egress for any building structure.
- h. Signs which may become unsafe, or no longer functional shall, upon notice from the Building Official, be repaired or removed by the owner or lessee of the property on which such signs stand.

- i. In cases where a use spans more than one zone, signs shall conform to the regulations for the zone in which is located the majority portion of the use to which the sign relates and shall be located in that zone.
- j. Off-premises outdoor advertising signs and sky signs shall not be permitted in any zone.
- k. Roof mounted, moving or portable signs shall not be permitted in any zone.
- l. Portable or mobile signs shall be prohibited, being any sign, which is mounted on wheels, is collapsible, or mounted or painted on a vehicle, which is generally in the same location for purposes of identification. "Portable signs" shall include, but not be limited to, "A" frame signs and signs on balloons, kites or other objects suspended in the air.

#### 10.5 Existing Signage

All signage installed pursuant to a sign permit issued prior to the effective date of this regulation shall be permitted to remain as approved and maintained, repaired or replaced in kind.

#### 10.6 Definitions

##### a. Sign:

Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art only if designed or intended to attract the attention of the general public to commercial or industrial premises.

For the purpose of this definition and these Regulations, the word "sign" shall include window signs, but shall not include the flag, pennant, or insignia of any nation, state, city or other political unit, official traffic signs, or notices required by law.

##### b. Sign, Awning:

Letters or text located on the portion of any awning that is perpendicular to the ground and attached directly to a building.

##### c. Sign, Business:

A sign identifying the name or other information relating to a retail, personal service, office, industrial or other uses permitted in PBD, CD, PT, PI, Flood, PE and PC Zones EFFECTIVE 04-14-04.

##### d. Sign, Directory

A sign listing only the business occupants/tenants located within building(s) on a lot.

e. Sign Face:

The sign face is a plane defined by one contiguous perimeter of that rectangle, triangle, circle or other area having the smallest area which encompasses all lettering, working, design or symbols together with any background which is different from the wall on which it is located and which is defined as an integral part of the sign.

f. Sign, Farm:

A sign identifying a farm or farm market, as those terms are defined and permitted in these Regulations.

g. Sign, Flashing:

Any illuminated sign on which artificial light is not maintained, stationary and consistent in intensity and color.

h. Sign, Gross Area of:

The "Gross Area" of a sign shall be defined and measured as follows:

Sign, Single-faced:

The gross area shall be the area of the single face.

Sign, Double-faced:

The gross area shall be the area of largest face or the area of one face if both faces have equal area.

Sign, Multiple-faced:

The gross area shall be the combined area of all faces.

i. Sign, Ground:

A sign with upright supports or located upon the ground and not attached to any part of a building.

j. Sign, Identification:

A sign on the premises bearing the name of a subdivision, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility, or a professional or firm nameplate, or the name of the person, firm or corporation occupying the premises, but bearing information pertaining only to the premises on which such sign is located.

k. Sign, Interior Glass:

A sign mounted within a building on the inside of a window, or otherwise designed or intended to be visible to the outside of such building by a window or other transparent surface.

l. Sign, Off-Site Directional:

A sign containing the name of a business, public, religious, or service organization located in a residential zone and indicating the direction in which such use is located.

m. Sign, Off-Premises Outdoor Advertising:

A sign including that type of sign commonly known as a billboard, which directs attention to a business, service activity or commodity, or other use which is conducted, sold, offered or occurring at a location different from the premises where the sign is located. (Off-premises direction signs 2 sq. ft. or less in size shall not be considered an off-premises outdoor advertising sign).

n. Sign, On-Site Directional

A sign indicating the proper movement of vehicles or pedestrians, or indicating danger or accessibility to a facility across a site or into a building; or at entrances to the site.

o. Sign Overhanging:

Any sign extending at an angle from a building, which is its sole support.

p. Sign, Roof:

A sign erected, constructed or maintained upon the roof of a building.

q. Sign, Sky:

A sign suspended in the air by means of balloon, kites or other similar device.

r. Sign, Temporary:

A sign which is intended to advertise community or civic events, construction projects, special events and real estate for sale or lease, on a temporary basis.

s. Sign, Moving:

Any sign which has visible revolving or rotating parts or any visible mechanical movement, excepting clocks and barber poles.

t. Sign, Wall:

Any painted sign or sign assembly located on any surface that may be affixed to the wall of any building or any sign painted directly on such wall.

u. Direct Illumination:

Any artificial light emitted directly or through a transparent or translucent material from a source of light in the interior of such sign.

v. Indirect Illumination:

Any artificial light external to a sign which illuminates such sign.

w. Front (of building) or Front Property Lines:

The side of a building containing the main entry to a particular building use. In the case of buildings having access to more than one such street, the applicant may designate the side facing any such street as the "front," provided that such designation shall thereafter apply to all buildings or uses located on the site. No designation shall be permitted which will create or increase any nonconformity with these Regulations for signs already in existence on such site.

x. Multiple Business Use:

A site or building(s) containing two or more business uses operated independently and separate from each other.

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y. Single Business Use:

A site or building containing one or more business uses operated by the same entity and managed as a single operation. (For example, a service station marketing fuel and food goods shall be categorized as a single business use).

10.7 Town Plan And Zoning Commission Referral

An applicant for a permanent sign permit may request referral to the Town Plan and Zoning Commission for a regulation compliance review. Any resulting permanent sign permit shall be issued in accordance with the Commission's action.



**SECTION 11**  
**ADMINISTRATION AND ENFORCEMENT**

- 11.1 Town Building Official
- 11.2 Interpretation of Regulations
- 11.3 Enforcement and Penalties
- 11.4 Certificates of Occupancy

### 11.1 Town Building Official

These Regulations shall be administered and enforced by the Town Building Official.

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### 11.2 Interpretation Of Regulations

In their interpretation and application, the provisions of these Regulations shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by these Regulations to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions or the law or ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; not is it intended by these Regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where these Regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings, or required larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenant or agreements, to provisions of these Regulations shall control.

### 11.3 Enforcement And Penalties

These Regulations shall be enforced by the Building Official, who is empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations. The owner or agent of a building or premises where a violation of any provision of said Regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or an entire premises where such violations shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which such violations shall exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the 1958 Revisions of the General Statutes and any amendment thereof.

### 11.4 Certificates Of Occupancy

- a. A certificate of occupancy shall be issued only after the proper completion, or appropriate portion thereof as determined by the Town Building Official, or the filing of a performance bond in favor of the Town of Glastonbury in an amount satisfactory to both the Town Manager and the Town Building Official for the uncompleted portion thereof.
- b. No land shall be occupied or used in violation of these Regulations and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever, except for the alteration of or addition to a dwelling, until a certificate of occupancy shall have been issued by the Town Building Official, stating that the premises or building comply with all the provisions of these Regulations.

- c. Where the alteration does not require vacating the premises or where a part of the premises is finished and ready for occupancy before the completion of the alterations or, in the case of a new structure, before its completion, a conditional certificate of occupancy may be issued.
- d. No change or extension of use and no alteration shall be made in a non-conforming use of premises without a certificate of occupancy having first been issued by the Town Building Official that such change, extension of alteration is in conformity with the provisions of these Regulations.

## **SECTION 12**

### **REQUIREMENTS FOR SPECIAL PERMIT WITH DESIGN REVIEW APPROVAL**

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- 12.1 Authorization for Special Permit
- 12.2 Requirement for Special Permit
- 12.3 Permitted Stipulations with Special Permit
- 12.4 Criteria for Evaluating Special Permit
- 12.5 Considerations for Approving Special Permit
- 12.6 Application for Special Permit
- 12.7 Substantial Construction Within One Year
- 12.8 Changes of Use or Exterior Alterations

## SECTION 12 REQUIREMENTS FOR SPECIAL PERMIT WITH DESIGN REVIEW APPROVAL

### 12.1 Authorization For Special Permit With Design Review Approval

The Town Plan and Zoning Commission is authorized to grant a special permit with design review approval for the purpose of meeting the provisions of this section and these Regulations.

### 12.2 Requirement For Special Permit With Design Review Approval

In any instance involving a use or uses requiring a special permit with design review approval as set forth in Section 4 – Use Regulations and Section 5 – Table of Permitted Uses of these Regulations, land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only after receiving a special permit with design review approval in accordance with the provisions of this section.

### 12.3 Permitted Stipulations With Special Permit With Design Review Approval

The Commission, in approving a special permit with design review approval after applying these Regulations in harmony with their general intent, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting and building design, architectural treatment and massing.

### 12.4 Criteria For Evaluating A Special Permit With Design Review Approval

The Commission shall consider and evaluate each and every application for a special permit with design review approval by applying, at a minimum, the following criteria:

- a. Appropriateness of Location or Use:
  1. The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Town Plan of Development, the specific zone and the neighborhood;
  2. The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood, and conformity to any adopted neighborhood plan;
  3. The capacity of adjacent and feeder street to handle peak traffic loads and hazards created by the use;

4. The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties;
  5. The overall effect on values and utilization of neighborhood properties;
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6. Unusual topography of the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site;
  7. The extent, nature and arrangement of parking facilities, entrances and exits;
  8. Problems of fire and police protection;
  9. The preservation of the character of the neighborhood;
  10. The availability of adequate sewerage and water supply;
  11. All other standards prescribed by these Regulations.
- b. Conformance: Conformance with the Glastonbury Building-Zone Regulations and, where appropriate, the Glastonbury Subdivision Regulations and any other applicable laws, codes or ordinances.
  - c. Safety, Health and Environment: Accessibility for emergency vehicles and equipment; property utility, drainage, driveway and similar specifications; proper fire and structural specifications; and no improper impact on the environment. The Commission may seek reports on the application from the appropriate Town departments, such as the Police and Fire Departments, Town Sanitarian, Town Engineer, Town Building Official and Conservation Commission.
  - d. Overall Design, Architectural Treatment and Aesthetic Character: The basic design of the proposed uses, buildings or development; the relationship between the buildings and the land; the relationships between uses between buildings or structures; the overall physical appearance of the proposed use, building or development and its subsequent compatibility with surrounding development and the neighborhood.

Findings as to design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, business or other purposes, and, by doing so, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas, produces degeneration of property with attendant deterioration of conditions in the area affecting the health, general safety and welfare of the community, and destroys a proper relationship between the taxable values of real property in the area and the cost of municipal services provided therefore.

#### 12.5 Considerations For Approving A Special Permit With Design Review Approval

Prior to approving any application for a special permit with design review approval, the Commission shall consider, where applicable, the following items and evaluate them in terms of the criteria set forth in the preceding Section 12.4:

- a. Characteristics of the actual proposal:

1. The Site.
  - a.) The location, size and general topography of the property involved.
  - b.) The nature of the applicant's (and property owner's, if different) interest in such property and proposal.
  - c.) Site Layout - existing
    1. contours
    2. trees and shrubs
    3. special site features
    4. location and capacity of utilities
    5. existing use or uses, buildings and structures
    6. driveways and parking areas
  - d.) Site layout - proposed
    1. contours
    2. land, building and structure uses, whether residential or non-residential and land area assigned to each type of use
    3. percent land coverage by use – residential, non-residential, parking, usable open space, landscaping open space, other (specify)
    4. percent land coverage for all buildings and structures and by type of building or structure
    5. relationship between land uses and between land and buildings
  - e.) Pedestrian and vehicular circulation and flow
    1. location and dimensions of public and private street, and common drives
    2. location and dimensions of public and private pedestrian walkways, sidewalks, malls and paths
    3. existing and anticipated traffic flows
  - f.) Off-street parking
    1. location of off-street parking areas and/or facilities
    2. location, dimensions and number of off-street parking spaces
    3. location and dimensions of access and maneuvering lanes
    4. location and dimensions of parking barriers, bumper guards, wheel stops and the like

5. pavement type and drainage
  - g.) Open space
    1. location and amount of area by type – parks, lawn areas, landscaping, buffer areas, recreation facilities and the like.
  - h.) Landscaping
    1. planting schedule – type, number, and minimum size of trees and/or shrubs and other plants
    2. treatment of seeding, sodding and water elements
    3. pavement types, for vehicular and pedestrian movement and recreation areas
    4. type, height and density of any proposed screening or fencing
    5. provisions for year round maintenance of landscaping
  - i.) Utilities
    1. utilities proposed – water, sewage disposal, electric, gas and drainage
    2. capacity of proposed utilities and amount of additional flow produced for existing systems or water courses utilized
    3. location of piping, wiring, conduits, catch basins and the like
    4. if within an area not presently served, but within a water utility plan, the adaptability of the utility system to municipal services when provided
  - j.) Provisions for garbage collection and removal and for snow removal
2. The Building(s) and/or Structure(s)
- a.) Residential
    1. total number of dwelling units
    2. number of dwelling units by type of unit (1-bedroom, 2-bedroom, etc.) and the number of rooms within such type of unit
  - b.) Non-residential
    1. building or structure intensities – including the dimensions and gross square foot area by type of non-residential use
  - c.) General architectural design and appearance
  - d.) Relationship between and massing of buildings or structures
  - e.) Type and colors of building materials, exterior façade and facing, fenestration, and fire retardant characteristics



- f.) Special architectural features
- g.) Signs
  - 1. location, height, size and dimensions for all signs, for individual types of signs and for each individual sign
  - 2. design, color(s), lettering, lighting, intensity and appearance of all signs
- 3. Any covenants, easements, or other provisions relating to the development and maintenance of the proposal, public facilities and the like, necessary for the welfare and maintenance of the development and the best interests of the Town.
- 4. Future division of the property among landowners, either by building or other reasonable separations.
- 5. Schedule of construction, including any staging plan, for buildings, structures, parking, open space, landscaping, community facilities and the like.
- 6. Review and approvals of any other Town Official, Agency or Department.
- b. Relation to existing and future land uses and development in the surrounding neighborhood and area, including impact on neighborhood character, property values, appearance, pedestrian and vehicular traffic circulation and flow, and the like.
- c. Relation to the recommendations for the area under consideration of the adopted Town Plan of Development.
- d. Conformity with the Glastonbury Building-Zone Regulations Subdivision Regulations and any other appropriate laws, codes or ordinances.

#### 12.6 Application For Special Permit With Design Review Approval

Every application for a special permit with design review approval shall be made in a form and in accordance with procedures established by the Town Plan and Zoning Commission.

- a. A key map of the neighborhood at a scale of 1" = 200', showing the relation of the proposed development to abutting properties and to existing and proposed streets; and
- b. A site plan, in triplicate, of the parcel, at a scale not smaller than 1" = 100', showing the extent, location and type of all proposed structures, uses, driveway entrances to streets, parking and loading areas in conformance with the requirements of Section 9 of these Regulations, vehicular and pedestrian traffic movement, sidewalks, public spaces, landscaping and landscaped buffers, fences and walls, signs, existing topography and proposed grading, proposals for electric, water and gas supply, sewage disposal, storm drainage, and other improvements. Storm and roof drainage shall be piped to an open outfall or storm drains.

The Town Plan and Zoning Commission may require the applicant to provide additional information in sufficient detail to enable the Commission to clearly visualize what the finished development will look like and how it will be built, provide the Commission as well as other appropriate Town officials with a basis for applying any of the criteria hereinabove set forth and for judging the safety, adequacy and conformance to existing codes and ordinances of the finished site and structures, and provide the Town Building Official with specific criteria upon which the judge the continuing conformance and acceptability in all respects of the completed project.

The applicant, unless otherwise required by the Commission, may submit appropriate and accurate elevations, perspectives, isometric drawings or models, to scale, depicting height, bulk, fenestration, construction materials and other massing, architectural and design features of the proposed development.

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#### 12.7 Substantial Construction Within One Year

If substantial construction has not begun on a building or structure, or no use established on a lot, for which a building structure or use special permit with design approval was received from the Town Plan and Zoning Commission after (effective date of these Regulations), within one (1) year from the date of issuance of such special permit for said building, structure or use, such special permit shall become null and void.

In its discretion, and for good cause, the Town Plan and Zoning Commission, upon request of the applicant, may extend for an additional one (1) year the period for the beginning of substantial construction or establishment of a use. Such extension shall be granted only one for any particular special permit.

The Town Plan and Zoning Commission may also, in its discretion and for good cause, upon request of the applicant, approve a staging time table for the start of construction or the establishment of a use, provided that such a staging time table shall include all portions of the proposed development.

#### 12.8 Changes Of Use

Any change in an approved Plan of Development, which is not considered to be a minor change or an insignificant change as set forth in Sections 12.9 and 12.10, shall be processed as a formal amendment to the approved Plan of Development and shall require the preparation of plans and the approval of the Town Plan and Zoning Commission after compliance with all requirements of Section 12. AMENDED EFFECTIVE MAY 30, 1981.

#### 12.9 Minor Changes In An Approved Plan Of Development

Minor changes shall include additions of less than ten percent (10%) to the existing floor area of a building, provisions for additional parking, provision for additional access from the street, and other changes expressly identified as minor changes in these Regulations. The alteration or enlargement of any existing building or structure which was constructed, or use which was commenced, without requiring a special permit with design review, may be deemed a minor change. If the commission determines that the change is a minor change, it may issue a permit for the change with or without conditions after a review by the full commission. The change shall comply with the regulations of the zone in which it is situated and only such provisions of Section 12.4 and 12.5 of these regulations that the commission deems relevant. A Public hearing will not be required. AMENDED EFFECTIVE MAY 30, 1981.